

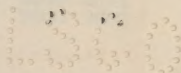
HEALTH AND SAFETY CODE

State of California

Laws statutes, etc.
1939



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HEALTH AND SAFETY CODE

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TABLE OF CONTENTS

(Statutes of 1939, chapters 60, 102, 103, 104, 105, and 106, with amendments as enacted in the 1939 session of the Legislature)

		Sections	Page
		1- 24	15
General Provisions			
DIVISION I. ADMINISTRATION OF PUBLIC HEALTH			
PART 1. STATE DEPARTMENT OF PUBLIC HEALTH			
Chapter 1.	Organization	100-	114 17
Chapter 2.	Powers and Duties		
Article 1.	General Powers	200-	210 19
	Physically Handicapped Children	250-	270 20
	Child Hygiene	300-	304 23
	Dental Hygiene	350-	354 24
	State Hygienic Laboratory	374-	377 24
	Sanitary Engineering	400-	401 25
	Bureau of Tuberculosis	410-	414 25
PART 2. LOCAL ADMINISTRATION			
Chapter 1.	Health Officers and Ordinances		
Article 1.	County Health Ordinances and Officers	450-	456 26
	County Health Administration for Cities	476-	478 27
	2A. Contracts for Local Health Administration	480-	486 28
	3. County Health Administration for Unincorporated Towns	491-	493 29
	4. City Health Ordinances, Boards, and Officers	500-	509 29
Chapter 2.	Public Health Nurses	600-	603 30
Chapter 3.	Dentists and Dental Hygienists	700-	703 31
Chapter 4.	Regulation of Plumbing	800-	811 31
Chapter 5.	Local Health and Safety Regulations	850-	851 32
Chapter 6.	Local Health Districts		
Article 1.	Definitions and General Provisions	880-	884 33
	2. Formation	900-	922 33
	3. Board of Trustees	925-	931 36
	4. District Powers	935-	936 37
	5. Administration and Operation	940-	944 38
	6. Finances and Taxation	950-	953 39
	7. Annexation of Territory	958-	964 39
	8. Dissolution	967-	970 40
Chapter 7.	Municipal and County Laboratories	1000-	1002 41
DIVISION II. LICENSING PROVISIONS			
Chapter 1.	Clinics and Dispensaries		
Article 1.	Definitions and General Provisions	1200-	1215 41
	2. Permits to Operate	1218-	1228 44
	3. Regulations	1230-	1235 45
	4. Revenue	1240-	1243 46
	5. Offenses	1251-	1251 47
Chapter 2.	Maternity Hospitals	1400-	1411 47
Chapter 4.	Biologics	1600-	1621 48
DIVISION III. QUARANTINE AND PEST ERADICATION			
Chapter 1.	Railway Inspection	1700-	1703 51
Chapter 2.	Rodents	1800-	1813 52
Chapter 3.	Rabies		
Article 1.	Rabies Control	1900-	1918 53
	2. Anti-rabic Virus	2000-	2000 56
Chapter 4.	Aviaries	2100-	2106 56
Chapter 5.	Mosquito Abatement Districts		
Article 1.	General Provisions	2200-	2205 56
	2. Formation	2210-	2224 57
	3. Officers	2240-	2253 59
	4. District Powers	2270-	2291 61
	5. Finances and Taxation	2300-	2312 64
	6. Annexation	2330-	2343 66
	7. Consolidation	2360-	2375 67
	8. Dissolution	2390-	2398 69
Chapter 6.	Quarantine of Diseases		
Article 1.	Definitions	2500-	2500 70
	2. Functions of State Department	2521-	2524 70
	3. Functions of Health Officers	2554-	2574 71
	4. Violations	2600-	2602 75

TABLE OF CONTENTS—Continued

		Sections	Page
Chapter 8.	Pest Abatement Districts		
Article 1.	Definitions and General Provisions	2800- 2802	75
2.	Formation	2822- 2832	76
3.	Administration	2850- 2853	77
4.	Taxation	2870- 2874	78
5.	Annexation	2900-	79
6.	Dissolution	2920- 2922	79
DIVISION IV.	TUBERCULOSIS		
Chapter 1.	Preventoria	3099- 3101	79
Chapter 2.	Hospitals	3300- 3309	80
Chapter 3.	Convalescent colonies	3325- 3326	83
Chapter 4.	Payment and expenditure of subsidy funds	3340- 3342	83
DIVISION V.	SANITATION		
PART 1.	SANITARY PROVISIONS		
Chapter 1.	Common Drinking Cups	3700- 3704	84
Chapter 2.	Infected Packing Materials	3750- 3753	85
Chapter 3.	Common Towels	3800- 3803	85
Chapter 4.	Wiping Rags		
Article 1.	Use of Wiping Rags	3900- 3902	86
2.	Regulation of Wiping Rag Business	3950- 3954	86
3.	Offenses	3960-	87
6.	Ice	4000- 4005	87
PART 2.	GARBAGE AND REFUSE DISPOSAL		
Chapter 1.	Garbage Disposal Districts		
Article 1.	Definitions	4100-	88
2.	Formation	4105- 4112	88
3.	Administration and Powers	4120- 4122	90
4.	Taxation	4127-	91
5.	Annexation	4135- 4139	91
6.	Withdrawal of Territory	4143- 4147	92
7.	Dissolution	4160- 4163	93
Chapter 2.	Franchise by Counties	4200- 4204	93
Chapter 3.	Fumes Escaping from Burning Garbage		
Article 1.	Cremation of Refuse, Generally	4300- 4302	94
2.	Cremation of Animal Refuse	4303-	95
Chapter 4.	Pollution of Waters and Public Places		
Article 1.	Navigable Waters	4400- 4404	95
2.	Water Supply	4450- 4457	96
3.	Public Places	4475-	97
4.	Punishment for Violations, Generally	4485-	97
PART 3.	SEWERS		
Chapter 1.	Municipal Sewer Districts, Act of 1911		
Article 1.	Definitions and General Provisions	4600- 4602	98
2.	Formation	4605- 4612	98
3.	Issuance of Bonds	4615- 4623	99
4.	Performance of Work	4627- 4636.7	101
5.	Taxation and Finances	4638- 4639	103
Chapter 2.	Sewer Districts, Act of 1899	4660- 4666	104
Chapter 3.	County Sanitation Districts		
Article 1.	General Provisions	4700- 4703	106
2.	Formation	4710- 4718	106
3.	Officers	4730- 4733	108
4.	District Powers	4739- 4763	109
4.5	Application of Other Statutes	4770- 4773	113
5.	Bonds	4780- 4799	114
6.	Finance and Taxation	4810- 4818	118
7.	Annexation	4830- 4832	119
8.	Joint Operation	4840- 4842	120
8a.	Withdrawal of City	4845.05-4845.13	121
8b.	Withdrawal of Unincorporated Territory	4845.20-4845.28	122
9.	Dissolution	4850- 4856	124
Chapter 4.	Sewer Maintenance Districts		
Article 1.	General Provisions and Definitions	4860- 4864	125
2.	Formation	4870- 4878	125
3.	Officers and Powers	4885- 4887	126
4.	Finances and Taxation	4890- 4892	127
5.	Annexation	4895- 4903	127
6.	Exclusion	4905- 4911	129
7.	Dissolution	4915- 4926	129

TABLE OF CONTENTS—Continued

		Sections	Page
Chapter 5.	Sewer Revenue Bonds		
Article 1.	General Provisions and Definitions	4950- 4960	131
2.	Resolution	4965- 4966	132
3.	Notice, Hearing, and Election	4970- 4979	133
4.	Bonds	4985- 4995	134
5.	Powers	5000- 5022	136
6.	Finances	5025- 5034	139
7.	Rates and Collection	5040- 5055	141
8.	Leases	5060- 5063	143
Chapter 6.	General Provisions with Respect to Sewers		
Article 1.	Rights of Way for Sewers and Drainage	5400-	144
2.	Sewage Disposal	5410- 5445	144
3.	Penalties	5460- 5464	148
Chapter 7.	Effect on Previous Laws	5475-	148
DIVISION VI. SANITARY DISTRICTS			
PART 1. SANITARY DISTRICT ACT OF 1891			
Chapter 1.	General Provisions and Definitions	5500- 5505	149
Chapter 2.	Formation		
Article 1.	Petition	5520- 5525	149
2.	Election on Formation and for Officers	5540- 5546	149
Chapter 3.	Officers	5560- 5576	150
Chapter 4.	District Powers		
Article 1.	Generally	5590- 5602	151
2.	Application of Other Statutes	5610- 5623	151
Chapter 5.	Elections		
Article 1.	Generally	5630- 5637	153
2.	Election of Officers	5650- 5652	153
3.	Bond Elections	5660- 5663	153
4.	Annexation Elections	5670- 5672	154
Chapter 6.	Bonds		
Article 1.	Generally	5680- 5693	154
2.	Sewers for Annexed Territory	5700-	155
3.	Exchange of Bonds	5710- 5713	155
Chapter 7.	Finances and Taxation		
Article 1.	Generally	5730- 5739	155
2.	Assessment by District Assessor	5750- 5754	156
3.	Equalization of Assessments	5760- 5764	156
4.	Levy of Tax	5770- 5772	156
5.	Collection	5780- 5787	157
6.	Redemption	5800- 5805	157
7.	Funds	5815- 5828	158
Chapter 8.	Annexation	5840- 5852	158
Chapter 9.	Dissolution	5860- 5867	159
PART 2. SANITARY DISTRICT ACT OF 1919			
Chapter 1.	General Provisions and Definitions	5901- 5906	160
Chapter 2.	Formation		
Article 1.	Petition	5925- 5930	160
2.	Election on Formation and for Officers	5940- 5946	160
Chapter 3.	Officers	5950- 5967	161
Chapter 4.	District Powers		
Article 1.	Generally	5980- 5994	162
2.	Sewer Maintenance in Cities	6005-	163
3.	Application of Other Statutes	6015- 6018	163
Chapter 5.	Elections		
Article 1.	Generally	6030- 6038	163
2.	Election of Officers	6050- 6063	164
3.	Bond Elections	6075- 6078	165
4.	Annexation Elections	6090- 6093	165
Chapter 6.	Bonds		
Article 1.	Generally	6105- 6119	166
2.	Sewers for Annexed Territory	6130- 6131	166
3.	Reconstruction Bonds	6140-	167
4.	Exchange of Bonds	6150- 6153	167
Chapter 7.	Finance and Taxation		
Article 1.	Generally	6165- 6171	167
2.	Special Sewer Construction Tax	6185- 6189	168
3.	Assessment of Taxes	6200- 6206	168
4.	Equalization of Assessments by District Board	6220- 6224	168
5.	Levy of Tax	6230- 6232	169

TABLE OF CONTENTS—Continued

		Sections	Page
Article 6.	Collection	6245- 6252	169
	7. Redemption	6265- 6270	169
	8. Funds	6280- 6294	170
Chapter 8.	Reorganization	6305- 6314	171
Chapter 9.	Annexation	6325- 6337	171
Chapter 10.	Dissolution	6340- 6347	172
PART 1. SANITARY DISTRICT ACT OF 1923			
Chapter 1.	General Provisions and Definitions	6400- 6406	173
Chapter 2.	Formation		
Article 1.	Petition	6420- 6425	173
	2. Hearing	6440- 6448	174
	3. Election on Formation and for Officers	6460- 6466	175
Chapter 3.	Officers	6480- 6496	176
Chapter 4.	District Powers		
Article 1.	Generally	6510- 6523	178
	2. Sewer Maintenance in Cities	6530-	180
	3. Application of Other Statutes	6540- 6543	180
Chapter 5.	Elections		
Article 1.	Generally	6560- 6568	181
	2. Election of Officers	6580- 6593	182
	3. Bond Elections	6610- 6613	184
	4. Annexation Elections	6625- 6628	185
Chapter 6.	Bonds		
Article 1.	Generally	6640- 6653	185
	2. Sewers for Annexed Territory	6660- 6661	187
	3. Reconstruction Bonds	6670-	187
	4. Exchange of Bonds	6680- 6683	188
	5. Refunding Bonds	6690- 6694.3	188
Chapter 7.	Finances and Taxation		
Article 1.	Generally	6695- 6701	189
	2. Assessment by District Assessor	6715- 6718	190
	3. Equalization of Assessments by District Assessor	6730- 6734	191
	4. Levy of Tax	6745- 6747	191
	5. Collection	6760- 6767	192
	6. Use of County Assessor's Roll	6780- 6787	193
	7. Funds	6790- 6800	194
Chapter 8.	Reorganization	6810- 6819	196
Chapter 9.	Annexation		
Article 1.	Generally	6830-	197
	2. Annexation by Election	6840- 6855	197
	3. Annexation Without an Election	6870- 6881	199
Chapter 10.	Dissolution	6900- 6907.5	200
DIVISION VII. DEAD BODIES			
PART 1. GENERAL PROVISIONS			
Chapter 1.	Definitions	7000- 7024	202
Chapter 2.	General Provisions	7050- 7055	205
Chapter 3.	Custody, and Duty of Interment	7100- 7112	206
Chapter 4.	Disposal of Unclaimed Dead	7200- 7208	210
Chapter 5.	Embalming and Transportation		
Article 1.	Embalming	7300- 7303	211
	2. Transportation	7350- 7355	212
Chapter 6.	Burial and Removal Permits	7400- 7412	214
PART 2. DISINTERMENT AND REMOVAL			
Chapter 1.	General Provisions		
Article 1.	Permits	7500- 7502	217
	2. Consent to Removal	7525- 7528	217
Chapter 2.	Removals to Out of State Points	7550- 7559	218
Chapter 3.	Removal of All Remains: Cities of 1500-100,000	7600-	219
Chapter 4.	Removal of All Remains: Cities and Counties Over 100,000		
Article 1.	Power of Municipality	7700- 7701	220
	2. Declaration of Intention by Cemetery Authority		
	3. Notice of Intention	7725- 7726	220
	4. Special Notice to Relative or Friend	7735- 7739	221
	5. Removals by Relatives or Friends	7750- 7754	221
	6. Removal by Cemetery Authority	7800- 7805	222
	7. Disposal of Lands	7850- 7852	223
		7900- 7906	224

TABLE OF CONTENTS—Continued

	Sections	Page
Article 8. Use of Funds -----	7925- 7933	225
9. New Land, Mausoleum or Columbarium -----	7950- 7955	227
10. Taxation -----	7975-	228
11. Religious Observances -----	7980-	228
DIVISION VIII. CEMETERIES		
PART 1. GENERAL PROVISIONS		
Chapter 1. Cemetery Defined -----	8100-	229
Chapter 2. Vandalism -----	8101- 8103	229
Chapter 3. Records -----	8110- 8112	230
PART 2. PUBLIC CEMETERIES		
Chapter 1. General Provisions -----	8125- 8133	230
PART 3. PRIVATE CEMETERIES		
Chapter 1. General Provisions -----	8250- 8253	232
Chapter 2. Operation and Management -----		
Article 1. General Provisions -----	8275-	232
2. Rules and Regulations -----	8300- 8309	233
3. Police Power -----	8325-	234
4. Records -----	8330- 8331	234
5. Operation of Crematories -----	8340- 8341	234
6. Contract Limitations -----	8350- 8351	235
7. Restrictions on Officers -----	8360- 8362	235
Chapter 3. Acquisition, Dedication and Sale -----		
Article 1. Acquisition of Property -----	8500-	235
2. Declaration of Intention -----	8525- 8526	236
3. Dedication -----	8550- 8561	236
4. Sale of Plots -----	8570- 8572	237
5. Removal of Dedication -----	8580- 8581	238
Chapter 4. Property Rights -----		
Article 1. General Provisions -----	8600- 8605	239
2. Joint Tenants -----	8625- 8629	240
3. Family Interment Plots -----	8650- 8653	241
4. Vested Right of Interment -----	8675- 8676	241
5. Voluntary Establishment of Inalienability -----	8680-	241
Chapter 5. Perpetual and Special Care -----		
Article 1. Care of Old Cemeteries -----	8700- 8715	242
2. Care of Active Cemeteries -----	8725- 8746	244
3. Investment of Perpetual Care Funds -----	8750- 8751	248
4. Special Care -----	8775- 8776	249
5. Misrepresentations as to Perpetual Care -----	8780-	249
Chapter 6. Reincorporation of Cemetery Associations -----	8800- 8806	249
PART 4. PUBLIC CEMETERY DISTRICTS		
Chapter 1. General Provisions -----	8890- 8892	251
Chapter 2. Petition -----	8900- 8903	251
Chapter 3. Notice of Hearing -----	8910- 8912	251
Chapter 4. Hearing -----	8920- 8926	252
Chapter 5. Protest and Election -----	8930- 8941	252
Chapter 6. Government -----	8950- 8952	254
Chapter 7. Powers -----	8960- 8964	254
Chapter 8. Finance and Taxation -----		
Article 1. Estimate of Expenses -----	8970- 8973	255
2. Taxation -----	8980- 8985	255
3. Trustees Report -----	8990-	256
4. Perpetual Care Fund -----	9000- 9005	256
Chapter 9. Annexation of Territory -----		
Article 1. Petition -----	9025- 9027	257
2. Notice and Hearing -----	9050- 9054	257
Chapter 10. Withdrawal of Territory -----		
Article 1. Petition -----	9075- 9076	258
2. Notice and Hearing -----	9077- 9078	258
Chapter 11. Effect on Previous Laws -----	9100-	258
PART 5. MAUSOLEUMS		
Chapter 1. General Provisions -----	9501- 9503	259
Chapter 2. Enforcement -----	9525- 9528	259
Chapter 3. Permits and Plans -----		
Article 1. General Provisions -----	9550- 9551	260
2. Application and Plans -----	9560- 9564	260
3. Cancellation of Permit -----	9575-	261
4. Expiration of Permit -----	9580- 9581	261
Chapter 4. Inspection and Approval -----	9590- 9591	261

TABLE OF CONTENTS—Continued

		Sections	Page
Chapter 5.	Construction		
Article 1.	General Provisions	9600- 9605	261
2.	Structural and Material Requirements	9625- 9657	262
Chapter 6.	Penalties	9675- 9677	265
DIVISION IX.	VITAL STATISTICS		
Chapter 1.	General Provisions	10000-10011	266
Chapter 2.	Administration		
Article 1.	State Administration	10025-10037	268
2.	Registration Districts	10050-10052	269
3.	Local Administration	10100-10120	269
Chapter 3.	Birth Registration		
Article 1.	General Provisions	10150-	272
2.	Duty of Registering Birth	10175-10182	272
3.	Certificates of Birth	10200-10201	273
4.	Unnamed Children	10225-	275
5.	Adopted Children	10250-10254	275
6.	Legitimated Children	10275-10279	276
7.	Unknown Children	10300-10305	276
8.	Registration of Stillborn Children	10325-10330	277
Chapter 4.	Death Registration		
Article 1.	General Provisions	10350-	277
2.	Death Certificates	10375-10377	277
3.	The Medical Certificate	10400-10405	280
4.	Duties of Coroner	10425-10429	280
5.	Duties of Funeral Directors	10450-10454	281
6.	Burial and Removal Permits	10475-10477	282
7.	Procedure on Identification of Bodies of Un- known Persons	10500-10501	282
Chapter 5.	Marriage Registration	10525-10536	282
Chapter 6.	Certified Copies of Records	10550-10551	284
Chapter 7.	Correction of Record	10575-10579	284
Chapter 8.	Proceedings to Establish Record	10600-10607	284
Chapter 9.	Fees of State and Local Registrars	10625-10630	286
Chapter 10.	Compensation of Local Registrars	10650-10654	287
Chapter 11.	Penalties	10674-10679	287
DIVISION X.	NARCOTICS		
Chapter 1.	Definitions and General Provisions		
Article 1.	Definitions	11000-11013	288
2.	Scope and General Provisions	11035-11036	289
Chapter 2.	Division of Narcotic Enforcement	11100-11107	290
Chapter 3.	Prescriptions		
Article 1.	Requirements of Prescriptions	11160-11178	291
2.	Exempt Narcotics	11200-11201	294
3.	Prescriber's Record	11225-11227	294
4.	Copies of Prescriptions	11250-	295
5.	Refilling Prescriptions	11275-	295
Chapter 4.	Use of Narcotics		
Article 1.	Lawful Medical Use Other than Treatment of Addicts	11330-11332	295
2.	Treatment of Addicts for Addiction	11390-11396	295
3.	Physicians' Reports	11425-11426	296
4.	Veterinarians	11450-11451	297
5.	Hypodermics	11475-11479	297
Chapter 5.	Marihuana and Opium		
Article 1.	Marihuana	11530-11531	298
2.	Opium	11555-	298
Chapter 6.	Sale Without Prescription	11570-11576	298
Chapter 7.	Enforcement		
Article 1.	Forfeiture of Vehicles	11610-11629	300
2.	Seizure and Disposition of Narcotics	11650-11657	302
3.	Prosecutions and Disposition of Fines	11680-11688	303
4.	Penalties	11710-11717	304
4.5	Addicts	11720-11722	306
5.	Abatement	11780-11797	306
DIVISION XI.	EXPLOSIVES		
PART I.	HIGH EXPLOSIVES		
Chapter 1.	Definitions and General Provisions	12000-12005	309
Chapter 2.	Sales Records	12100-12109	309

TABLE OF CONTENTS—Continued

	Sections	Page
Chapter 3. Storage		
Article 1. General Provisions	12150-12153	311
2. Magazines of the First Class	12170-12190	312
3. Magazines of the Second Class	12210-12212	315
4. Violations	12220-	315
Chapter 4. Transportation	12300-12306	316
Chapter 5. Illegal Use or Possession	12350-12354	317
Chapter 6. Miscellaneous	12400-12402	318
PART 2. FIREWORKS	12500-12513	319
DIVISION XII. FIRES AND FIRE PROTECTION		
PART 1. GENERAL PROVISIONS		
Chapter 1. Liability in Relation to Fires	13000-13006	322
Chapter 2. Fire Equipment		
Article 1. Standard Equipment	13025-13028	323
2. Use of Fire Equipment	13050-13054	323
PART 2. FIRE PROTECTION		
Chapter 1. State Fire Marshal	13100-13112	324
Chapter 2. Clothes Cleaning Establishments		
Article 1. Definitions	13201-13219	327
2. Administration	13250-13254	329
3. Licenses	13300-13324	330
4. Buildings, Equipment, and Operation	13350-13404	333
5. Violations	13450-13454	342
Chapter 3. Spotting, Sponging, and Pressing Establishments		
Article 1. Definitions and General Provisions	13501-13520	343
2. Administration	13550-13554	345
3. Licenses and Registration	13600-13616	346
4. Fees and Penalties	13650-13657	348
5. Operation and Management	13675-13689	350
6. Violations	13725-13729	353
PART 3. FIRE PROTECTION DISTRICTS		
Chapter 1. Fire Protection Districts in Unincorporated Areas		
Article 1. General Provisions	14001-14009	354
2. Petition and Hearing	14025-14029	355
3. The Board of Fire Commissioners	14050-14055	355
4. General Powers and Duties	14073-14089	356
5. Provisions Relating to Elections	14100-14113	358
6. Finance and Taxation	14150-14159	359
7. Contracts with Cities	14200-14205	360
8. Inclusion of Contiguous Territory	14225-14237	361
9. Withdrawal of Lands from District	14250-14258	362
10. Dissolution of District	14275-14291	363
11. Reorganization	14300-14314	365
Chapter 1A. Metropolitan Fire Protection Districts		
Article 1. General Provisions	14325-14327	366
2. Resolution of Intention	14330-14339	367
3. Hearing and Protest	14340-14344	369
4. Election on Issuance of Bonds	14345-14350	370
5. Bonds	14351-14354	371
6. Revenue and Taxation	14355-14361	372
7. Powers of District	14365-14370	373
8. Alternative Method	14375-	373
Chapter 2. County Fire Protection Districts		
Article 1. General Provisions	14400-14407	373
2. Notice and Hearing	14410-14419	374
3. Election on Formation	14425-14432	375
4. Powers and duties of the Board	14440-14453	376
4.5 Commissioners	14455-14455.7	378
5. Ordinances of the Board	14460-14466	379
6. Duties of Division of Forestry	14470-14471	380
7. Finance and Taxation	14480-14486	381
8. Title to Property	14500-14506	382
9. Annexation	14510-14515	383
10. Consolidation	14525-14531	383
11. Withdrawal upon Inclusion in City	14540-14549	384
12. Withdrawal upon Petition	14560-14568	385
13. Dissolution	14580-14592	386

TABLE OF CONTENTS—Continued

	Sections	Page
Chapter 3. Fire Protection Districts in One or More Counties		
Article 1. General Provisions	14600-14605	387
2. Petition and Hearing	14610-14625	388
3. Election on Organization	14630-14640	390
4. Government of District	14650-14660	391
5. Powers and Duties of Directors	14680-14689	392
6. Finance and Taxation	14700-14709	393
7. Inclusion of Territory	14720-14728	394
8. Change of Boundary	14735-14750	395
9. Dissolution	14760-14766	396
Chapter 4. Dissolution or Exclusion When Area Is Incorporated		
Article 1. Dissolution	14800-14804	397
2. Change of Boundaries	14810-14812	397
3. Recordation	14815-14816	398
PART 4. FIRE COMPANIES IN UNINCORPORATED TOWNS		
Chapter 1. Organization	14825-14830	398
Chapter 2. Powers and Duties	14835-14845	399
Chapter 3. Exemptions	14855-14860	400
PART 5. ABATEMENT OF HAZARDOUS WEEDS		
Chapter 1. General Provisions	14875-14876	400
Chapter 2. Resolution	14880-14884	401
Chapter 3. Notice to Destroy Weeds		
Article 1. Persons Authorized to Give Notice	14890-	401
2. Contents of Notice	14891-14892	401
3. Posting and Mailing Notice	14893-14897	402
4. Hearing on Notice	14898-14899	403
5. Proceedings After Hearing on Notice	14900-14902	403
Chapter 4. Expense and Abatement		
Article 1. Determination and Notice	14905-14907	404
2. Hearing on Report	14910-14912	404
3. Collection of Expenses	14915-14919	405
DIVISION XIII. HOUSING		
PART 1. STATE HOUSING ACT		
Chapter 1. Definitions and General Provisions	15000-15034	405
Chapter 2. Application and Scope	15151-15158	409
Chapter 3. Administration and Enforcement		
Article 1. Enforcement Agencies	15250-15255	410
2. Inspection	15270-15272	411
3. Actions and Proceedings	15290-15300	412
4. Records	15315-15319	413
Chapter 4. Permits and Certificates		
Article 1. Building Permits	15351-15362	414
2. Certificate of Final Completion and Permit of Occupancy	15380-15388	415
Chapter 5. Buildings on Same Lot		
Article 1. Distances Between	15500-15501	417
2. Rear Building Passageway	15520-15523	417
Chapter 6. Unoccupied Area	15600-15604	417
Chapter 7. Yards and Courts		
Article 1. General Provisions	15650-15655	418
2. Yards	15680-15695	419
3. Courts	15730-15750	421
Chapter 8. Height of Buildings	15850-15854	426
Chapter 9. Basements	15901-15904	427
Chapter 10. Lower Floor Air Space	16000-16002	427
Chapter 11. Room and Hallway Dimensions		
Article 1. Room Dimensions	16050-16063	427
2. Hallway Dimensions	16100-16101	429
Chapter 12. Windows and Skylights		
Article 1. Buildings Erected Prior to August 17, 1923	16200-16204	430
2. In Rooms	16221-16235	430
3. In Public Hallways	16261-16271	433
4. For Stairways	16300-16305	434
Chapter 13. Stairways	16400-16423	435

TABLE OF CONTENTS—Continued

	Sections	Page
Chapter 14. Fire Escapes		
Article 1. Number and Kind Required	16500-16504	438
2. Location	16520-16527	439
3. Strength and Supports	16540-16545	440
4. Door and Window Openings	16560-16564	441
5. Type 1 Fire Escape	16600-16615	441
6. Type 2 Fire Escape	16640-	443
7. Type 3 Fire Escape	16650-16655	443
8. Type 4 Fire Escape	16670-16679	443
9. Type 5 Fire Escape	16690-16694	444
10. Maintenance and Repair	16705-	445
Chapter 15. Combined Stairway and Fire Escape	16720-16721	445
Chapter 16. Standpipes	16740-16744	445
Chapter 17. Shafts	16770-16776	446
Chapter 18. Air ducts	16800-	447
Chapter 19. Vent Shafts	16820-16835	447
Chapter 20. Gas Appliance Vents	16900-16905	449
Chapter 21. Boiler Rooms	16950-16959	449
Chapter 22. Garages		
Article 1. General Provisions	17000-17002	451
2. Garages Less Than One Thousand Square Feet in Area	17020-17023	451
3. Garages More Than One Thousand But Less Than Four Thousand Square Feet in Area	17040-17045	452
4. Garages Exceeding Four Thousand Square Feet in Area	17060-17062	453
5. Ventilation	17080-17088	453
Chapter 23. Dormitories	17151-17157	454
Chapter 24. Building Construction Generally		
Article 1. Details of Construction	17250-17269	455
2. Fireproof Buildings	17280-17284	457
3. Semifireproof Buildings	17300-17304	458
4. Wooden Buildings	17320-17324	459
5. Plasterboard	17340-17341	459
Chapter 25. Plumbing Fixtures		
Article 1. General Provisions	17450-17466	460
2. Water-closets in Buildings Erected Prior to August 17, 1923	17480-17485	462
3. Water-closets in Buildings Erected After August 17, 1923	17501-17512	463
4. Bathtubs and Showers in Buildings Erected Prior to August 17, 1923	17530-17534	464
5. Bathtubs and Showers in Buildings Erected After August 17, 1923	17551-17553	464
6. Sinks and Faucets	17580-17585	465
Chapter 26. Prohibited Building or Room Uses	17700-17707	465
Chapter 27. Maintenance, Sanitation, and Repair Generally		
Chapter 28. Violations	17800-17820	466
PART 2. AUTO CAMPS, TRAILER CAMPS, TRAILER COACHES	17900-17902	469
Chapter 1. Definitions and Scope	18100-18106	470
Chapter 2. Enforcement, Actions, and Proceedings	18200-18202	471
Chapter 3. Permits and Fees	18300-18304	471
Chapter 4. Auto Camps		
Article 1. Construction	18400-18404	472
2. Windows	18430-18436	473
3. Plumbing, Use, and Sanitation	18460-18464	474
4. Register	18480-	475
Chapter 5. Trailer Camps and Trailer Coaches		
Article 1. General Provisions	18600-18602	475
2. Camp Sites	18625-18626	475
3. Water-closet, Bathing, and Plumbing Facilities	18650-18659	475
4. Garbage and Rubbish Disposal	18680-18685	477
5. Maintenance and Sanitation	18710-18712	477
Chapter 6. Violations	18800-18802	478
PART 3. MISCELLANEOUS		
Chapter 1. Scope and Application	19000-	478

TABLE OF CONTENTS—Continued

	Sections	Page
Chapter 2. Earthquake Protection		
Article 1. Scope and Application	19100-19101	478
2. Enforcement	19120-19122	479
3. Design and Construction	19150-19151	479
4. Violations	19170-	480
Chapter 3. Air Space in Sleeping Rooms	19300-	480
Chapter 4. Hotel Bedding and Sanitation		
Article 1. Definitions	19400-19401	480
2. Enforcement	19420-	480
3. Bedding	19440-19444	480
4. Sanitation	19470-19473	481
5. Violations	19500-	481
Chapter 5. Gas Illumination in Rented Rooms	19600-	481
Chapter 6. Exit and Stairway Signs in Hotels, Etc.	19700-19702	481
DIVISION XIV. POLICE PROTECTION		
PART 1. POLICE PROTECTION DISTRICTS		
Chapter 1. In Unincorporated Towns		
Article 1. Definitions and General Provisions	20000-20005	482
2. Formation	20025-20037	482
3. Administration	20060-20081	484
4. Taxation	20101-20113	487
5. Dissolution	20130-20143	488
Chapter 2. In Unincorporated Territory		
Article 1. Definitions	20300-20301	490
2. Formation	20310-20317	490
3. Administration and Taxation	20330-20332	491
PART 2. MISCELLANEOUS		
Chapter 1. Protection at Public Meetings	20500-	491
DIVISION XX. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS		
Chapter 1. Health and Safety of Bathers		
Article 1. Life Saving Devices	24000-24004	492
2. Swimming Pool Markers	24050-24054	492
3. Swimming Pool Sanitation	24100-24109	493
4. Power Boat Speed	24150-24151	494
Chapter 2. Tanks and Boilers		
Article 1. Scope of Chapter and General Provisions	24200-24206	494
2. Administration	24210-24214	495
3. Operation of Tanks and Boilers	24220-24232	495
4. Inspection Fees	24240-24244	497
5. Offenses	24250-	497
6. Mismanagement of Steam Boilers	24300-24301	498
Chapter 3. Convalescent Colony	24380-24385	498
Chapter 4. Abandoned Excavations	24400-24403	499
Chapter 5. Miscellaneous Penal Provisions	24800-	500
DIVISION XXI. DRUGS, FOODS AND COSMETICS		
Chapter 2. Drugs		
Article 1. General Provisions	26200-26215	500
2. Adulteration	26230-26235	502
3. Misbranding	26240-26254	503
4. Advertising	26270-26275	506
5. Prohibitions	26280-26303	507
6. Administration	26320-26385	510
Chapter 3. Foods		
Article 1. General Provisions	26450-26462	515
2. Adulteration	26470-26476	517
3. Misbranding	26490-26496	519
4. Advertising	26500-26501.1	521
5. Prohibitions	26510-26527	522
6. Administration	26540-26605	524
7. Local Administration	26615-26624	531
DIVISION XXX. REPEALS	40000-40007	533
CROSS-REFERENCE TABLES		
Table Number One		537
Table Number Two		563
Index		599

FOREWORD

The following text of the complete Health and Safety Code of the State of California has been printed from type used in the printing of the official volume of Statutes and Amendments to the Codes for 1939 and may be relied upon as the complete and correct text of the current law. The marginal notes are also those of the official volume.

The Health and Safety Code was prepared by the California Code Commission for consideration by the Legislature at its Fifty-third session, 1939, and as so prepared it was passed by the Legislature and approved by the Governor, becoming Chapters 60, 102, 103, 104, 105 and 106 of the Statutes of 1939. These chapters were a consolidation and restatement, without substantive change of those Statutes of California pertaining in any way to the subject of health and safety. Subsequently, a number of bills amending the Health and Safety Code were enacted which did make substantive changes in the law. These amendatory measures are all included with the original text in this edition. All of these chapters and amendatory measures, unless otherwise indicated, took effect September 19, 1939.

Tables of cross-reference are provided with this edition to show the origin of each section of the Health and Safety Code. The tables of cross-reference also show the disposition of former statutes in the code, as originally enacted. The statutes repealed but not included in the Health and Safety Code are also listed and notes explain the reason for omission. Statutes other than codes are cited by year, chapter and page. Asterisks indicate sections added or affected subsequent to original enactment of the Health and Safety Code.

This edition of the Health and Safety Code is being published to make available as soon as possible an authentic text of the complete Health and Safety Code, printed in convenient form, and with a reasonably thorough index to make reference simple and easy.

ROBERT A. GARDINER,
Supervisor of Documents.

Health and Safety Code

State of California

[CHAPTER 60,* STATUTES OF 1939]

An act to establish a Health and Safety Code, thereby consolidating and revising the law relating to the preservation of the public health and safety, including the health and safety of persons, the custody and disposition of dead bodies, the safety and protection of property; and matters incidental thereto, and to repeal certain acts or parts of acts specified herein.

[Approved by Governor April 7, 1939. Filed with Secretary of State April 7, 1939.]

In effect
September
19, 1939.

NOTE.—The Health and Safety Code, as prepared by the California Code Commission, consists of this chapter and chapters 102, 103, 104, 105, and 106, all as originally enacted. As here set forth, chapter 60 contains the provisions of those chapters and also contains all of the amendments to the code made during the fifty-third session of the Legislature, namely, by chapters 101, 114, 126, 150, 218, 219, 222, 239, 259, 270, 303, 304, 339, 354, 375, 381, 385, 413, 417, 418, 449, 458, 477, 496, 534, 535, 540, 541, 566, 596, 621, 634, 635, 642, 693, 730, 731, 836, 910, 919, 1018, 1032, 1059, 1070, 1071, 1079, 1097, 1120, and 1124.

The chapters constituting the original code are in effect September 19, 1939. The effective date of the amendatory chapters is the same except where otherwise indicated by a note. For approval dates, see the respective chapters in their numerical sequence in the 1939 statutes and amendments to the codes.

The people of the State of California do enact as follows:

GENERAL PROVISIONS.

1. This act shall be known as the Health and Safety Code. Title.
2. The provisions of this code in so far as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments. Continuation of existing law.
3. All persons who, at the time this code takes effect, hold office under any of the acts repealed by this code, which Tenure.

* A cross-reference table showing the origin of each section appears in the appendix to this volume.

offices are continued by this code, continue to hold them according to their former tenure.

Pending
proceedings.

4. Any action or proceeding commenced before this code takes effect, and any right accrued, is not affected by this code, but all procedure thereafter taken therein shall conform to the provisions of this code as far as possible.

Construc-
tion.

5. Unless the provision or the context otherwise requires, these definitions, rules of construction, and general provisions shall govern the construction of this code.

Headings.

6. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

Delegation
of power.

7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.

Writings.

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Reference
to statutes.

9. Whenever reference is made to any portion of this code or of any other law of this State, the reference applies to all amendments and additions now or hereafter made.

"Section."

10. "Section" means a section of this code unless some other statute is specifically mentioned. Subdivision means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.

Tense.

11. The present tense includes the past and future tenses; and the future, the present.

Gender.

12. The masculine gender includes the feminine and neuter.

Number.

13. The singular number includes the plural, and the plural the singular.

"County."

14. "County" includes city and county.

15. Unless expressly otherwise provided, any notice required to be given to any person by any provision of this code may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his residence or principal place of business in this State. The affidavit of the person who mails the notice, stating the facts of such mailing, is prima facie evidence that the notice was thus mailed. Giving notice.

16. "Shall" is mandatory and "may" is permissive. "Shall" and "may."

17. "Oath" includes affirmation. Oath.

18. "Signature" or "subscription" includes mark when the signer or subscriber can not write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto. "Signature" and "subscription."

19. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company. "Person."

20. "State department" means "State Department of Public Health." "State department."

21. "Director" means "Director of Public Health." "Director."

22. "Board" means "State Board of Public Health." "Board."

23. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the territories. "State."

24. If any provision of this code, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby. Constitutionality.

DIVISION I. ADMINISTRATION OF PUBLIC HEALTH.

PART 1. STATE DEPARTMENT OF PUBLIC HEALTH.

CHAPTER 1. ORGANIZATION.

100. There is in the State Government a State Department of Public Health. Department.

- Board. 101. The department is under the control of the State Board of Public Health.
- Members. 102. The State Board of Public Health consists of the Director of Public Health and seven other members.
- Appointment and terms. 103. The members of the board, other than the director, shall be appointed by the Governor for a term of four years **and shall hold office until the appointment and qualification of their successors.** The terms of the members of the board in office when this code takes effect shall expire as follows: two members, January 15, 1940; two members, including the dentist, January 15, 1941; two members, January 15, 1942; one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the term for which he holds office before this code takes effect.
- Vacancies. 104. Vacancies shall be filled by appointment for the unexpired term.
- Qualifications. 105. The director and six of the other members shall be duly licensed and practicing physicians of this State. The other member shall be a duly licensed and practicing dentist of this State.
- Compensation. 106. The members of the board, other than the director, shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.
- Director. 107. The director is the executive officer of the board.
- Appointment and salary. 108. The director shall be appointed by and hold office at the pleasure of the Governor. He shall receive a salary of six thousand dollars per annum and necessary expenses incurred in the performance of his duties.
- Official bond. 109. Before entering upon the duties of his office, the director shall execute an official bond to the State in the penal sum of ten thousand dollars, conditioned upon the faithful performance of his duties.
- Duties: Time. 110. The director shall devote his entire time to the duties of his office.
- Appointment of employees. 111. Subject to the approval of the board, the director shall appoint such assistants, deputies, agents, experts and other employees as are necessary for the administration of the affairs of the department, shall prescribe their duties and fix their salaries, and shall require them to execute to the State such official bonds as the board may require.

111. The director shall enforce all orders and regulations of the board, shall vigilantly observe sanitary conditions throughout the state, and shall take all necessary precautions to protect it in its sanitary relations with other states and countries.

Enforcement activities.

112. The director shall keep or cause to be kept an accurate record of the proceedings of the State department and shall file a written report of them at each regular meeting of the board.

Records and report.

113. Notwithstanding anything in this code as enacted, the board, except with respect to the bureau of venereal diseases, may, subject to the approval of the Governor, create such divisions and subdivisions of the State department as may be necessary and may consolidate, divide, or abolish them from time to time.

Departmental organization.

114. Except as otherwise in this code prescribed, the provisions of Article II of Chapter III of Title I of Part III of the Political Code as it may be added to or amended shall apply to the conduct of the State department in every respect the same as if such provisions were set forth at length in this code.

Conduct of department.

CHAPTER 2. POWERS AND DUTIES.

Article 1. General Powers.

200. The State Department of Public Health shall examine into the causes of communicable disease in man and domestic animals occurring or likely to occur in this State.

Causes of communicable disease: Examination.

201. It shall cause special investigation of the sources of mortality and the effects of localities, employments, conditions, and circumstances on the public health, the preparation and sale of drugs and food and their adulteration.

Sources of mortality: Investigation.

202. It shall perform such duties as are required by law for the detection and prevention of the adulteration of articles used for food and drink, and for the punishment of persons guilty of violation of any law providing against their adulteration.

Adulterated food: Detection and prevention.

203. It shall examine and may prevent the pollution of sources of public domestic water and ice supply.

Water and ice sources: Examination.

204. It may prepare or purchase, and distribute at cost, antitoxins, vaccine, and other approved serums and lymphs.

Serums: Distribution.

Actions and
proceedings.

205. It may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

- (a) To enforce its rules and regulations.
- (b) To enjoin and abate nuisances dangerous to health.
- (c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this State relating to the public health.
- (d) To protect and preserve the public health.

It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the department of public health.

Nuisance
abatement.

206. It may abate public nuisances.

Advice.

207. It may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

Rules and
regulations.

208. It may adopt and enforce rules and regulations for the execution of its duties.

Report to
Legislature.

209. It shall at each regular session of the Legislature make a report with such suggestions as to legislative action as it deems proper.

Effect of
liquor:
Examination.

210. It shall examine into and report what, in its best judgment, is the effect of the use of intoxicating liquor as a beverage upon the industry, prosperity, happiness, health, and lives of the citizens of the State; also, what legislation, if any, is necessary.

Article 2. Physically Handicapped Children.

"Handi-
capped
child"
defined.

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of eighteen years who is in need of services.

"Services"
defined.

251. "Services," as used in this article, means any or all of the following:

- (a) Expert diagnosis.
- (b) Medical treatment.
- (c) Surgical treatment.
- (d) Hospital care.
- (e) Physiotherapy.

- (f) Occupational therapy.
- (g) Special treatment.
- (h) Materials.
- (i) Appliances and their upkeep, maintenance, care, and transportation.
- (j) Maintenance, transportation, or care incidental to any other form of "services."

252. By local surveys arranged through local authorities, social welfare and other public or private agencies, the State Department of Public Health shall seek out handicapped children. No record shall be taken or kept, except of such children as are specified in this article. Local surveys.

253. It shall arrange through such local agencies for local public diagnostic clinics or conferences for handicapped children when and where it appears necessary, and bring to them expert diagnosis near their homes. Clinics.

254. Whenever the parents or estate of a handicapped child is either wholly or partly unable to furnish for the child necessary services, the parents or guardian may, without the payment of any fee, file a petition in the superior court in the county where the parents are resident, or if a guardian of the person of the child has been appointed, then in the county of the residence of the child, for a certificate setting forth the facts. Free clinical service: Certificate petition.

255. The petition may be heard ex parte. If the judge is satisfied that, where there is no guardian of the person, the parents are residents of the county or that the child, in case a guardian of his person has been appointed, is a resident of the county where the application is filed, and that the parents or estate of the child is either wholly or partly unable to furnish the services, he shall issue a certificate to that effect. Hearing.

The certificate shall contain the names and addresses of petitioner and of the child and the following findings: Certificate: Issuance and contents.

(a) That the parents, or the child, if there is a guardian of his estate, reside in the county in which the petition is filed.

(b) That the child needs services.

(c) That the parents or estate of the child is wholly or partly unable to furnish the services.

(d) What sum, if any, the parents or estate of the child can pay to the clerk of the superior court in the county in which the petition is filed, and the times when the payments are to be made.

256. The certificate, together with duplicate original written diagnoses, shall be presented to the State department. Upon receipt of the certificate the department shall furnish such services for the child as in its judgment are necessary and proper. All expense for services shall be advanced by the Presentation, services.
Expense for services.

State department out of the physically defectives' revolving fund.

Payment for
services
without
certificate.

257. It may, without the possession of a certificate, pay the expenses out of any funds received by it through gift, devise, or bequest.

County
charge.

All money expended under the authority of the certificate constitutes a legal county charge against the county funds of the county from which the certificate is issued.

County
payments.

258. Upon presentation to the board of supervisors of the county in which the petition was filed, of an itemized claim, duly sworn to by the director, for the expense of the services furnished under the authority of the certificate, the board of supervisors shall audit and approve the claim, the county auditor shall then issue a warrant for the amount of the claim payable to the State department, and the county treasurer shall pay it. The State department shall credit the amount received to the physically defectives' revolving fund.

Contracts for
furnishing
services.

259. The State department may arrange or contract with any person properly qualified to furnish services to handicapped children. It may pay for services out of any funds appropriated for the purpose or which it may receive by gift, devise, or bequest.

Cooperation
with insti-
tutions, etc.

260. It shall cooperate with the hospital or other institution in which a child is placed, maintain a strict supervision over the handicapped children under its care and jurisdiction, shall cause them to be visited when advisable, and shall cause a record to be kept showing their condition and improvement.

Agreements
with parents
or guardians.

261. It may enter into agreements with parents, guardians and persons responsible for the care of handicapped children to pay such amounts as they may be able toward the cost of services for a handicapped child.

Consent of
parent or
guardian.

262. This article does not authorize the care, treatment, or supervision of or any control over handicapped children without the written consent of a parent or guardian.

Revolving
fund.

263. The revolving fund which was heretofore created by section 2979c of the Political Code is continued in existence and shall be known as the physically defectives' revolving fund.

It shall be used in carrying out the provisions of this article, and may be expended under the direction of the State department for services furnished under the authority of certificates of the superior court made pursuant to this article.

(Added by Stats. 1939, Ch. 102, as part of codification.)

264. The State department may receive gifts, legacies and bequests and expend them for the purposes of this article, but not for administrative expenses. Gifts.

265. It may appoint an assistant secretary and other necessary employees to assist in carrying out the provisions of this article. The assistant secretary, if available, shall be a person who has knowledge of public health and social welfare services and is trained and qualified in the work of treatment and care of handicapped persons. Assistant secretary and other employees.

266. It may appoint other assistants and employees who are willing to assist it in carrying out the provisions of this article, without compensation. Non-compensated employees.

267. The governing body of any public institution subject to the authority and under the control of the State Department of Institutions, or of political subdivisions of the State, in which hospital facilities are maintained which can be used for the purposes of this article may, upon such terms as may be agreed upon, without charge, place facilities at the disposition of the State Department of Public Health to be used in providing services for handicapped children. Facilities of public institutions.

268. The board of supervisors in each county may provide for services for any handicapped child in each county, when the parents or guardian consents in writing and when the parents or estate of the child is not financially able to provide services. The county may cooperate in this service with the State department and pay the cost as provided in this article or may perform the services independently. County services.

269. In order to provide facilities for the services for handicapped children, the board of supervisors may cooperate with the State Department of Public Health and the State Department of Social Welfare in making use of existing hospital facilities under the supervision or inspection of those departments, within or without their respective counties. County use of State facilities.

270. The board of supervisors may levy a special tax which shall not exceed in any one year the sum of three mills on each dollar on the assessed valuation of the taxable property in the county. The tax shall be in addition to all other taxes provided for, and shall be deposited in a special fund and be expended for the purposes of this article. The board of supervisors may transfer money from the general fund to this special fund in such amounts and at such times as the board may determine, which money shall be used in carrying out the purposes of this article. County tax.

Article 3. Child Hygiene.

300. The State Department of Public Health shall maintain a bureau of child hygiene which in addition to other Bureau of child hygiene.

duties and powers prescribed in this article shall have charge of such matters and shall have such powers as may, from time to time, be referred and delegated to it by the department.

Chief. 301. The State department shall appoint a chief of the bureau who shall be a duly licensed and practicing physician of any system of therapeutics.

Powers. 302. The bureau, under the direction and supervision of the department, may investigate, and disseminate educational information relating to, conditions affecting the health of the children of this State.

Limitation on powers. 303. This article does not give the bureau power to force compulsory medical or physical examination of children.

Advice. 304. Upon request, the bureau shall advise all public officers, organizations, and agencies interested in the health and welfare of children in the State.

Article 4. Dental Hygiene.

Bureau of dental hygiene. 350. The State Department of Public Health shall maintain a bureau of dental hygiene which in addition to other duties and powers prescribed in this article shall have charge of such matters and shall have such powers as may be referred and delegated to it by the department.

Chief. 351. The department shall appoint a chief of the bureau.

Powers. 352. The bureau, under the direction and supervision of the department, may investigate, and disseminate educational information relating to, conditions of dental hygiene affecting the health of the children of this State.

Limitation on powers. 353. This article does not give the bureau power to force compulsory dental examination of children.

Advice. 354. Upon request, the bureau shall advise all public officers, organizations, and agencies interested in the health and welfare of children in the State.

Article 5. State Hygienic Laboratory.

State hygienic laboratory. 374. There is established and shall be maintained at the University of California, at Berkeley, for the use of the State department, a hygienic laboratory for bacteriological and chemical analyses, which shall be under the management and control of the department.

Branches. 375. Branches of the laboratory may be established and maintained by the State department at such other places in

the State as the department may determine to be necessary for the protection of the public health.

376. The State department shall appoint a chief of the laboratory who shall be a skilled bacteriologist and chemist, and, who, subject to the control of the department, shall have general supervision of the laboratory and any branch laboratories that may be established under the provisions of this article. Chief.

377. The State department shall appoint an assistant chief for each branch laboratory established, who shall likewise be a skilled bacteriologist and chemist. Assistant chief.

Article 6. Sanitary Engineering.

400. The State Department of Public Health shall maintain a bureau of sanitary engineering which shall have charge of such matters and shall have such powers as may be referred and delegated to it by the department. Bureau of sanitary engineering.

401. The State department shall appoint a chief of the bureau who shall be a graduate sanitary engineer. Chief.

Article 7. Bureau of Tuberculosis.

410. The State Department of Public Health shall maintain a bureau of tuberculosis which shall have charge of such matters and shall have such powers as may be referred and delegated to it by the department. Bureau of tuberculosis.

411. The State department shall appoint a chief of the bureau who shall be qualified and trained in public health work. Chief.

412. The bureau shall:

- (a) Register all tuberculous persons in the State.
- (b) Supervise all hospitals, dispensaries, sanatoria, preventoria, farm colonies, and other public or private institutions for tuberculosis.
- (c) Advise officers of State penal and charitable institutions regarding the proper care of tuberculous inmates.
- (d) Conduct such educational and publicity work in connection with tuberculosis as may be necessary.

Powers generally.

413. The bureau shall administer the fund for State aid to cities, counties, and groups of counties for the care of patients who are county charges in tuberculosis wards or hospitals maintained by cities, counties, or groups of counties. Administration of tuberculosis fund.

414. The bureau shall inspect and investigate and have access to all records and departments of all institutions, both public and private, where tuberculous patients are treated. Investigations.

Report.

The bureau shall prepare annually for each institution a report of its rating on sanitary construction, enforcement of sanitary measures, adequate provision for medical and nursing attendance, provision for proper food, and such other matters of administration as may be designated.

Administration of the fund for the care of patients who are county charges in tuberculosis wards and hospitals maintained by cities, counties, or groups of counties, shall be based on its reports and rules and regulations.

PART 2. LOCAL ADMINISTRATION.

CHAPTER 1. HEALTH OFFICERS AND ORDINANCES.

Article 1. County Health Ordinances and Officers.

County health ordinances.

450. The board of supervisors of each county shall adopt orders and ordinances necessary for the preservation of the public health in the unincorporated territory of the county, not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.

Health officer.

451. Each board of supervisors shall appoint a health officer who is a county officer.

(Amended by Stats. 1939, Ch. 413.)

[ORIGINAL SECTION.]

451. Each board of supervisors shall appoint a health officer, who is an employee and not a county officer, unless otherwise provided by charter.

Expenses.

451.5. The actual and necessary expenses of the health officer incurred while traveling to and from and while attending the annual convention of his association or of any other meeting designated by the board of supervisors shall be a county charge. The expenses of attending the annual convention of his association shall not exceed the sum of fifty dollars.

(Added by Stats. 1939, Ch. 413.)

General functions.

452. The county health officer shall enforce and observe in the unincorporated territory of his county, all of the following:

(a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.

(b) Orders, quarantine regulations, and rules prescribed by the State Department of Public Health.

(c) Statutes relating to public health.

Reports to State department.

453. Each county health officer shall report to the State department all violations of the State health laws that come to his attention.

454. The county health officer shall be a graduate of a medical college of good standing and repute, shall hold office for a term of one year. His compensation shall be determined by the board of supervisors.

Qualifications, term, compensation.

455. The county health officer shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county, and when so required by the board of supervisors he shall give all of his time to his duties.

Performance of duties.

456. Immediately after the appointment of the health officer, the board of supervisors shall notify the director of the appointment and the name and address of the appointee.

Notice of appointment.

Article 2. County Health Administration for Cities.

476. When the governing body of a city in the county consents by resolution or ordinance, the county health officer shall enforce and observe in the city all of the following:

Enforcement in city by county health officer.

(a) Orders, quarantine regulations, and rules prescribed by the State department.

(b) Statutes relating to the public health.

(Amended by Stats. 1939, Ch. 150.)

[ORIGINAL SECTION.]

476. When the governing body of a city in the county consents by resolution or ordinance, the county health officer shall enforce and observe in the city all of the following:

(a) Orders, quarantine regulations, and rules prescribed by the State department.

(b) Statutes relating to the public health.

This article does not apply to cities of the first and one-half class.

This article does not apply to any area in a local health district.

477. The resolution or ordinance shall be adopted and a certified copy served on the clerk of the board of supervisors on or before the first day of March of any year, and the services of the county health officer in the city shall commence on the first day of July next succeeding the giving of notice. The services shall continue indefinitely until the governing body of the city terminates them by adoption of a resolution and ordinance and service of a certified copy on the clerk of the board of supervisors on or before the first day of March of any subsequent year. The services of the county health officer shall terminate on the first day of July immediately succeeding the giving of the notice.

Duration of services.

478. In the event of major disaster or other emergency, the governing body of a city for which the county health officer is not acting may contract with the board of supervisors of the county in which the city is located for the performance by the county health officer of any and all functions relating to the public health.

Contracts in emergencies.

Article 2A. Contracts for Local Health Administration.
(Article 2A added by Stats. 1939, Ch. 150.)

Contract for
enforcement
in city by
county.

480. The board of supervisors may contract with a city in the county, and the city, through its governing body, may contract with the county for the performance by health officers or other employees of the county of any or all functions relating to, the enforcement in the city of all ordinances thereof relating to public health and sanitation, and the making of all inspections and the performance of all functions in connection therewith.

(Added by Stats. 1939, Ch. 150.)

Powers of
county health
officer.

481. Whenever the contract has been duly entered into, the county health officer and his deputies shall thereupon exercise the same powers and duties in the city as are conferred upon health officers thereof by law.

(Added by Stats. 1939, Ch. 150.)

Compensation.

482. In the contract the city may provide for the payment by the city to the county of such consideration as may be agreed upon, to be paid to the county treasurer of the county, which compensation shall be payable at such times as are specified and shall be in an amount to repay the county for the entire cost to it of the services performed for the city and required in the enforcement of ordinances under the terms of the contract, as nearly as can be estimated or ascertained.

(Added by Stats. 1939, Ch. 150.)

Enforcement
in county
by city.

483. The board of supervisors may contract with a city in the county, through its governing body, to secure the performance by the health officer or other health employees of the city, in any unincorporated territory adjacent to the city, of any or all functions relating to public health.

(Added by Stats. 1939, Ch. 150.)

Compensation.

484. Payment for the services in the unincorporated territory shall be made by the county to the city treasurer of the city.

(Added by Stats. 1939, Ch. 150.)

Contract
of county
for services
in schools.

485. The board of supervisors may contract with the county superintendent of schools of the county for the performance by health officers or other employees of county health departments of any or all of the functions and duties set forth in Chapter IV of Part I of Division I of the School Code, relating to health supervision of elementary school buildings and of pupils enrolled in the elementary schools of any or all elementary school districts over which the county superintendent of schools has jurisdiction.

In the contract the consideration shall be such as may be agreed upon by the board of supervisors and the county

superintendent of schools and shall be paid by the county superintendent of schools at such times as shall be specified in the contract to the county treasurer.

(Added by Stats. 1939, Ch. 150.)

486. A contract under this article, except contracts with county superintendents of schools, may provide for the care and support, including medical attendance, of indigent sick, and for compensation therefor.

Provisions
in contract.

(Added by Stats. 1939, Ch. 150.)

Article 3. County Health Administration for Unincorporated Towns.

491. When public necessity requires, the board of supervisors may appoint a health officer for any unincorporated town who shall, under the supervision of the county health officer, exercise all necessary diligence in executing in the town all of the following:

Health
officer.

(a) Ordinances, rules, and regulations of the board of supervisors relating to health and sanitary matters.

(b) Rules and regulations of the department relating to health and sanitary matters.

492. Each town health officer shall report to the State department all violations of the State health laws that come to his attention.

Reports.

493. His term of office and compensation shall be fixed by the board of supervisors, and he shall receive as his compensation for services not exceeding one hundred dollars in any one year.

Term.
Compensation.

Article 4. City Health Ordinances, Boards, and Officers.

500. The governing body of a city shall by ordinance adopt for the regulation of sanitary matters in the city such rules and regulations as are necessary and proper, and shall supervise all matters pertaining to the sanitary condition of the city.

Ordinances.

501. This article does not prevent the appointment by the governing body of a board of health which shall be advisory to the health officer.

Advisory
board.

502. Every governing body of a city shall appoint a health officer who shall receive for his services such compensation as may be determined by the governing body and shall hold office at its pleasure.

Health
officer.

503. Immediately after the appointment of the city health officer the governing body shall notify the director of the appointment and the name and address of the appointee.

Notice of
appointment.

Duties.

504. Each city health officer shall enforce and observe all of the following:

(a) Orders and ordinances of the governing body of the city pertaining to the public health.

(b) Orders, quarantine regulations, and rules, concerning the public health, prescribed by the State department.

(c) Statutes relating to the public health.

Reports to
State de-
partment:
Violations.

505. Each city health officer shall report to the State department all violations of the State health laws that come to his attention.

Sanitary
conditions.

506. Each city health officer shall report to the director at such times as the department may require, as to the sanitary condition of his locality.

Diseases.

507. The city health officer shall report in writing to the State department, upon blanks furnished by it, at such times as the department requires, all infectious, contagious, and communicable diseases in man or beast which come to his knowledge.

Epidemics.

508. The city health officer, in cases of local epidemic of disease shall report to the State department all facts concerning the disease, the measures taken to prevent or abate its spread, infection, or contagion, and such other matters within his knowledge or jurisdiction as the department may require.

Failure to
appoint
health
officer.

509. If the governing body of any city neglects to provide a health officer the State department may direct the district attorney to begin an action against the governing body to compel the performance of its duty, or the State department may appoint a health officer for the city, and the expenses of the health officer shall be a charge against the city for which the appointment is made.

CHAPTER 2. PUBLIC HEALTH NURSES.

Appoint-
ment by
cities.

600. The governing body of a city may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the State department.

Duties.
Compensation.

601. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the city as the governing body may assign to her. Her compensation shall be determined by that body.

Appoint-
ment by
counties.

602. The board of supervisors in each county may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the

date of her employment be prescribed by the State department.

603. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the county as the board of supervisors may assign to her. Her compensation shall be determined by that board.

Duties.
Compensation.

CHAPTER 3. DENTISTS AND DENTAL HYGIENISTS.

700. The governing body of a city may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

Appointment by city.

701. The dentist or dental hygienist shall attend to such dental conditions of the city as the governing body may assign to him. His compensation shall be determined by that body.

Duties.
Compensation.

702. The board of supervisors in each county may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

Appointment by county.

703. The dentist or dental hygienist shall attend to such dental conditions of the county, as the board of supervisors may assign to him. His compensation shall be determined by that board.

Duties.
Compensation.

CHAPTER 4. REGULATION OF PLUMBING.

800. It is unlawful for any person to carry on business, or labor as a master or journeyman plumber, in any city unless he has obtained from the board of health of the city a license authorizing him to carry on that business, or to labor as such mechanic.

License from city board of health.

801. A license shall be issued only after a satisfactory examination by the city board of health of each applicant upon his qualifications to conduct that business or so to labor.

Examination.

802. All applications for license, and all licenses issued, shall state the name in full, age, nativity, and place of residence of the applicant or licensee.

Application.

803. The secretary of each city board of health shall keep a record of all licenses issued, together with an alphabetical index to the record.

Record.

804. A list of all licensed plumbers shall be published in the yearly report of the health officer or board of health.

Publication of list.

805. The drainage and plumbing of all buildings, both public and private, erected in any city shall be executed in

Approval of plans.

accordance with plans previously approved in writing by the board of health of the city.

Filing plans. 806. Suitable drawings and description of the drainage and plumbing shall, in each case, be submitted to the city board of health, and placed on file in the health office.

Buildings heretofore erected. 807. The city board of health may also receive and place on file drawings and descriptions of the drainage and plumbing of buildings heretofore erected.

Tax levy and appropriation. 808. The governing body of the city shall make the necessary appropriation and tax levies, and shall insert them in the yearly tax levy, to provide for carrying out the provisions of this chapter. The appropriations and levy shall be made at the same time and in the same manner as appropriations and tax levies are made for other city purposes.

Enforcement. 809. In any city where there is a health officer, but no board of health, the health officer shall perform all the duties required by this chapter of the board of health until a board of health is created. In any city where there is no health officer nor board of health, the governing body shall create a board of health, which shall perform the duties required by this chapter of the board of health or health officer.

Injunction 810. Any superior court may restrain by injunction the continuance of work to be done upon or about buildings or premises where the provisions of this chapter have not been complied with, and no undertaking shall be required as a condition to, or by reason of, the granting or issuing of the injunction.

Penalty. 811. Every person who violates any provision of this chapter is guilty of a misdemeanor.

CHAPTER 5. LOCAL HEALTH AND SAFETY REGULATIONS.

Sanitary tax. 850. Any board of supervisors may levy a special sanitary tax, not to exceed one-half mill on the one dollar of assessed valuation, on all the property in the county, outside of any city.

The tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious, or communicable diseases, to eradicate them if introduced, and for the purpose of general sanitation.

Explosives. 851. Any board of supervisors may adopt such rules and regulations with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other explosives or combustible material, as the safety and

protection of the lives and property of individuals may require.

CHAPTER 6. LOCAL HEALTH DISTRICTS.

Article 1. Definitions and General Provisions.

880. "District," as used in this part, refers to a district organized pursuant to this chapter or pursuant to any law which it supersedes. District.

881. "District board," as used in this part, refers to the board of trustees of the district. District board.

882. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a district shall likewise be regarded as a "unit." Unit.

883. If the territory of the proposed district is in more than one county, the phrase "board of supervisors" as used in this chapter includes the plural as well as the singular and the same procedure and law as set forth in this chapter for the establishing of a district in one county only likewise applies to the adjoining county or counties all or a portion of whose territory is included in the proposed district. Board of supervisors.

884. Chapter 1 of this part shall not apply to any area in a district except as to ordinances. Law applicable.

(Added by Stats. 1939, Ch. 150.)

Article 2. Formation.

900. A local health district may be organized pursuant to this chapter. Formation.

901. A petition to form a district may consist of any number of separate instruments. Petition.

902. The petition shall set forth and describe the boundaries of the proposed district and shall pray that it be organized as a local health district.

903. A district may include incorporated or unincorporated territory, or both, in one or more counties. Territory.

The territory of the district shall consist of contiguous parcels only.

The territory of a city shall not be divided.

904. Before a city can be included in the proposed district, the governing body of the city shall, by resolution duly authenticated, request the inclusion of the city. Consent of city.

- Signatures. 905. A petition to form a district shall be signed by registered voters of each unit of the proposed district equal in number to at least ten per cent of the number of votes cast in each unit respectively for the office of Governor at the last preceding general election at which a Governor was elected.
- Presentation. 906. The petition may be presented at a regular meeting of the board of supervisors of the county in which all or a portion of the proposed district is situated.
- Publication of notice. 907. There shall be published in a daily, semiweekly, or weekly newspaper of general circulation printed and published in each city included in the proposed district for four successive publications all of the following:
- (a) A reference to the text of the petition.
 - (b) A notice of the time of the meeting of the board stating when the petition will be presented and that all persons interested may then appear and be heard.
- Posting of notice. 908. If there is situated in the proposed district any city in which there is no such newspaper there shall be posted, prior to the time the petition is to be presented, for thirty successive days in three public places in the city, with the text of the petition as specified in this chapter, a notice of the time of presentation of the petition.
- Filing. 909. At least one month prior to the time at which the petition is presented for hearing, a copy of the text of the petition and of the notice shall be filed with the State department and with the board of supervisors of the county or counties in which it is proposed to form the district.
- Posting. 910. In each city and unincorporated unit in a proposed district there shall be posted, prior to the time at which the petition is to be presented, for thirty successive days, copies of all of the following:
- (a) Text of the petition.
 - (b) The notice.
911. When the petition is composed of more than one instrument, one copy only need be posted or published.
912. No more than five of the names attached to the petition need appear in the publication or posting, but the number of signers shall be stated.
- Hearing. 913. At the time the petition is presented the board of supervisors shall consider the petition and hear those appearing on, and all protests and objections to, it. It may adjourn the hearing from time to time, not exceeding two months in all.

914. Upon the hearing of the petition the board of supervisors shall determine whether it complies with the provisions of this chapter and whether the public necessity or the welfare of the inhabitants of the proposed territory requires the formation of the district. Finding.

915. On the final hearing the board shall make such changes in the proposed boundaries as may be advisable and shall define and establish the boundaries. Changes in boundary.

If the board deems it proper to include in the district any territory not included within the boundaries proposed in the petition, the board shall first give notice of its intention to do so, in the manner required for notice of the initial hearing.

916. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings if the petition has a sufficient number of qualified signatures. Defects.

917. The findings of the board of supervisors are final and conclusive against all persons except the State in a suit commenced by the Attorney General. Finality.

918. If it appears to the board of supervisors that the petition complies with the provisions of this chapter and that the public necessity or the welfare of the inhabitants requires the formation of the district, it shall by an order entered on its minutes declare its findings, and shall declare and order that the territory within the boundaries so fixed and determined be established as a district, under an appropriate name selected by the board. The name shall include the words "local health district." Order establishing district.

919. No district involving more than one county shall be formed without the concurrent consent of the respective board of supervisors of each of the counties, as well as the consent of the cities included. Consent of counties.

920. The county clerk of the county in which the order is issued shall immediately file a certified copy of the order with the Secretary of State and with the county clerk of each county in which, or any portion of, the district is situated. Transmission of order to Secretary of State.

Within ten days after the filing the Secretary of State shall issue and deliver to the county clerk a certificate of incorporation reciting that the district (naming it) has been incorporated. Certificate of incorporation.

The county clerk shall deliver the certificate of incorporation to the board of trustees of the district at its first meeting.

921. From and after the date of the certificate of incorporation, the district is incorporated as a district with all the Effective date.

rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

Delivery of
orders to
Secretary
of State.

922. The district is incorporated when the respective counties have fully complied with this chapter, and when the Secretary of State has received the respective certified copies of the orders of the counties and delivered to the respective county clerks within the time specified in this chapter his certificate of incorporation reciting that the district has been incorporated.

Article 3. Board of Trustees.

Board.

925. The governing board of the district is called "the board of trustees of ---- local health district" (inserting the name of the particular district).

Within thirty days after the issuance by the Secretary of State of the certificate of incorporation of the district, the district board shall be appointed.

Membership.

926. The district board shall consist of at least five members. One member shall be appointed from each unit of unincorporated territory by the board of supervisors of the county in which the unit is situated.

One member shall be appointed from each city in the district, by the governing body of the city.

If the district board thereby created consists of less than five members additional members shall be appointed according to one of the following methods:

(a) If the district is in one county only the board of supervisors shall make the appointment from the district at large of enough additional members to make a board of five trustees.

(b) If there are several units of the district in more than one county, one additional member by the board of supervisors of each county where a unit is situated.

(c) By the boards of supervisors jointly if the district includes units in several counties and only one additional member is to be appointed.

Vacancy.

927. A vacancy shall be filled by the appointing power for the unexpired term.

Terms.

928. The members shall hold office for the term of two years from the second day of the calendar year next succeeding their appointment; however, the members of the first district board appointed in a district shall at the first meeting of the board so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven, that a bare majority of their number, shall go out of office at the expiration of one year from, and the remainder at the expiration of two years from, the second day of the calendar year next succeeding their appointment.

929. The members of the district board shall meet on the first Monday subsequent to thirty days after the issuance of the certificate of incorporation by the Secretary of State, and shall organize by the election of one of their members as president and one as secretary. First meeting.

930. The members of the district board shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in attending meetings of the board. Compensation.

931. The district board shall provide for the time and place of holding its regular meetings and the manner of calling them, and shall establish rules for its proceedings and may adopt such rules and regulations as may be necessary for the exercise of its powers and duties. Meetings.

Special meetings of the district board may be called by three members upon notice mailed to each member at least forty-eight hours before the meeting.

All of its sessions, whether regular or special, shall be open to the public, and a majority of the members shall constitute a quorum for the transaction of business.

Article 4. District Powers.

935. A local health district may exercise the powers in this chapter granted or necessarily implied. Powers.

936. A district may do any or all of the following: Powers enumerated.

(a) Have and use a corporate seal and alter it at pleasure.

(b) Sue and be sued in all actions and proceedings.

(c) Purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of the district, and control, dispose of, convey, and encumber it and create a leasehold interest in it for the benefit of the district.

(d) Acquire, construct, maintain, and operate all works and equipment necessary for the inspection of water, milk, meat, and other foods.

(e) Acquire, construct, maintain, and operate all works and equipment necessary for the extermination of rodents.

(f) Acquire, construct, maintain, and operate all works and equipment necessary for the disposal of garbage and waste.

(g) Employ public health nurses and health visitors and cooperate with educational authorities in health inspection in public or private schools in the district.

(h) Exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district.

(i) Enforce all statutes relating to the public health and vital statistics, and all orders, quarantine regulations, and rules prescribed by the State Department of Public Health.

(j) Enforce such local orders and ordinances pertaining to health and sanitary matters within the district as may be authorized by the appropriate local authorities.

(k) Unite with any other local health district in the exercise of any of the powers granted to and vested in the districts, the cost to be paid by each district in such proportion as may be agreed upon by the respective district boards.

(l) Exercise all other needful powers for the preservation of the health of the inhabitants of the district, whether the powers are expressly enumerated in this chapter or not.

Construction
of chapter.

The powers granted in this chapter shall be liberally construed for the purpose of securing the well-being of the inhabitants of the district.

Article 5. Administration and Operation.

Health
officer.

940. The district board shall appoint and fix the compensation of a district health officer, who may be removed by the board only by a two-thirds vote of the members. He shall be the holder of a degree in medicine, in sanitary engineering, or in public health, and shall have had at least one year's experience in public health work. He shall devote his entire time to the duties of his office and shall not engage in any other occupation or business.

Offices, em-
ployees, etc.

941. The district board shall provide suitable supplies, equipment, and office facilities for the district health officer and, upon his recommendation, shall fix the compensation and define the powers and duties of such deputies and assistants as the board may deem necessary to carry out the provisions of this chapter.

If a meat inspector is employed, he shall be a graduate veterinarian legally qualified to practice veterinary medicine in the State.

Expenses.

942. The district health officer, his deputies, and his assistants, shall receive their actual necessary expenses incurred in the performance of their duties. In enforcing state statutes, orders, regulations, and rules, and local orders and ordinances the district health officer shall have such powers as are or may be hereafter conferred by general law upon county or city health officers.

Powers of
health
officer.

Appoint-
ments.

943. All district officers, deputies, and assistants, other than the health officer and the members of the district board, shall be appointed and may be removed by the district board on the recommendation of the district health officer, subject to such rules and regulations as the district board may adopt for the appointment and employment of deputies and assistants, based on merit, efficiency, character, and industry.

944. The district health officer is the administrative head of the district and, except as otherwise prescribed in this chapter, shall exercise the powers granted to and vested in the district; except that he may not purchase property or incur expenditures without the approval or ratification of the district board.

Powers of health officer.

Article 6. Finances and Taxation.

950. Annually, at least fifteen days before the first day of the month in which county taxes are levied, the district board shall furnish to the board of supervisors of the county in which any part of the district is situated an estimate in writing of the amount of money necessary for all purposes required under the provisions of this chapter during the next ensuing fiscal year.

Annual tax.

Thereupon the board of supervisors shall levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district.

951. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within the district as shown upon the last assessment rolls of the counties, and the estimate apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein.

Apportionment.

952. The tax for a district shall in no case exceed the rate of fifteen cents on each one hundred dollars of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes.

Rate.

953. The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All moneys so collected shall be paid into the county treasury to the credit of the district fund and shall be paid out on the order of the district board, signed by the president and secretary.

Collection.

Article 7. Annexation of Territory.

958. Any territory, incorporated or unincorporated, lying adjacent and contiguous to a district, may be annexed to the district at any time upon proceedings being had and taken as provided in this chapter; except that in the annexation the territory of a city shall not be divided.

Annexable territory.

959. Upon receiving a written petition containing a description of territory proposed to be annexed to the dis-

Petition.

trict, signed by the owners of more than one-half of the assessed value of the territory as shown by the last county assessment roll, and asking for annexation to the district, the district board shall thereupon submit to the electors of the district and to the electors residing in the territory proposed to be annexed, the proposition whether the territory shall be annexed to the district.

Election. 960. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district, and also in a newspaper printed and published in the territory proposed to be annexed.

Ballot. 961. The proposition to be submitted to the electors at the election, both within the district and within the territory proposed to be annexed, shall be as follows: "For annexation," and "Against annexation," or equivalent words.

Canvass of votes. 962. The district board shall canvass the votes cast in the district, and the votes cast in the territory proposed to be annexed, and if it appears from the canvass that a majority of all the ballots cast in the district and a majority of all the ballots cast in the territory proposed to be annexed are in favor of annexation, the district board shall certify that fact to the Secretary of State, describing the property proposed to be annexed.

Certificate of annexation. Upon receipt of the certificate, the Secretary of State shall issue his certificate of annexation reciting that the territory (describing it) has been annexed to the ----- local health district (naming it), and a copy of the certificate of the Secretary of State shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

Effect. 963. From and after the date of the certificate of annexation the territory described in it is annexed to and forms a part of the district.

Consent of city. 964. If the property proposed to be annexed includes a city, consent to annexation shall first be obtained from its governing body and an authenticated copy of the resolution or order giving consent shall be attached to and made a part of the petition.

Article 8. Dissolution.

Election. 967. A district may at any time be dissolved upon the vote of two-thirds of its qualified electors voting at an election called by the district board upon the question of dissolution and the proposition which shall be submitted to the electors at the election shall be as follows: "Shall the district be dissolved?"

968. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district. Notice.

969. If two-thirds of the votes cast at the election are in favor of dissolution, the district board shall certify the fact to the Secretary of State, and upon receipt of the certificate, the Secretary of State shall issue his certificate of dissolution reciting that the district (naming it) has been dissolved, and a copy of the certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated. Certificate of dissolution.

970. From and after the date of the certificate of dissolution the district is disincorporated and the property of the district shall be ratably apportioned among the several cities included in the district and the counties in which any portion of the district is situated, in proportion to the assessed value of the property included within the district as shown upon the last county assessment roll or rolls. Property.

CHAPTER 7. MUNICIPAL AND COUNTY LABORATORIES.

1000. For the purpose of protecting the community against infectious disease, any city or county may establish a bacteriological and chemical laboratory for the examination of specimens from suspected cases of disease and for the examination of milk, waters, and food products. Purposes.

1001. The cost of establishment and maintenance of the laboratory is a legal expenditure from any city or county funds that are for disbursement under the direction of the city or county health officer for the protection of public health. Cost.

1002. Any city or county laboratory established for the purposes set forth in this chapter shall use only equipment and employ only technical personnel that meets with the approval of the State department. Approval by State department.

(Amended by Stats. 1939, Ch. 259.)

[ORIGINAL SECTION.]

1002. Any city or county laboratory established for the purposes set forth in this chapter is subject to the approval of the state department.

DIVISION II. LICENSING PROVISIONS.

CHAPTER 1. CLINICS AND DISPENSARIES.

Article 1. Definitions and General Provisions.

1200. "Clinic" as used in this chapter, includes "dispensary."

"Operate." 1201. "Operate," as used in this chapter, and any of its variants, includes "conduct" and "maintain," and any of their variants.

"Clinic." 1202. A clinic is a place, establishment, or institution operated by any person for the purpose of furnishing at the place, establishment, or institution, either independently or in connection with any other purpose, under the name or title of clinic, dispensary, health center, or any other word or phrase of like or similar import, without charge, for part pay, or for full pay, advice, diagnosis, treatment, medicines, drugs, appliances, or apparatus to any person not residing or confined in the place, establishment, or institution and who is afflicted with bodily or mental disease, or injury. A clinic does not include governmental health officers or school employees performing the duties, respectively, of their office or employment, for the purpose of advising and informing persons of means and measures to prevent or avoid disease or injury.

Classes. 1203. Clinics are of the classes defined in this chapter.

Charitable. 1204. A charitable clinic is a clinic supported and maintained in whole or in part by donations, devises, bequests, gifts, or charity, in which advice and treatment concerning bodily and mental diseases and injuries is given without charge. The making and collecting from persons advised or treated in a charitable clinic of a nominal charge on account of administrative costs, if approved by the director, does not affect the status or classification of a charitable clinic.

Teaching and research. 1205. A teaching and research clinic is:

(a) A clinic operated in connection with and as a part of any institution of learning, approved as to the mode of healing taught by the State agency having jurisdiction, for the teaching of any mode of healing recognized by the laws of this State.

(b) A clinic operated for the purposes of teaching medicine, surgery, dentistry, osteopathy, chiropractic, or drugless healing, or for research in subjects pertaining thereto or to public health, and supported in whole or part by any trust donation, bequest or foundation, the purposes of which are approved by the State Board of Public Health.

Employer's clinic. 1206. An employer's clinic is a clinic operated without profit to the employer, by an employer for the prevention and treatment of accidental injuries to, and the care of the health of, his employees only.

Private pay clinic. 1207. A private pay clinic is a clinic operated by any practitioner of the healing arts licensed to practice under any law of the State, who uses or holds out to the public the des-

ignation of clinic, dispensary, health center, or any other word or phrase of like import, and who charges and collects fees from persons advised or treated by him in such clinic for advice, diagnosis, treatment, service, or for drugs, medicines, appliances, or apparatus.

1208. A governmental clinic is a clinic operated by this State, or by any political subdivision, county, district, or city in this State. Governmental clinic.

1209. No corporation, other than a charitable, benevolent, or educational corporation, shall operate a charitable or a teaching and research clinic, and no person shall operate a charitable or a teaching and research clinic, except for benevolent, charitable, or educational purposes. Operation by corporation.

1210. No person other than an employer shall operate an employer's clinic. Employer's clinic.

1211. No employer's clinic shall be operated for profit.

1212. No private pay clinic shall be operated by a corporation or by any person not duly licensed under the laws of the State to practice medicine, surgery, dentistry, osteopathy, chiropractic, or drugless healing. Private pay clinic.

1213. This chapter does not apply to clinics operated by the United States of America or by any of its departments, officers, or agencies. Operation by United States.

1214. This chapter does not authorize any person other than a licensed practitioner of a healing art, or any corporation, except as expressly provided in this chapter, to furnish to any person medical or surgical advice, services, or treatment. Application of chapter.

This chapter does not authorize any person other than a licentiate of a healing art to engage directly or indirectly in the practice of medicine, or surgery, or dentistry, or osteopathy, or chiropractic, or drugless, or other healing.

This chapter does not regulate, govern, or affect in any manner the practice of medicine, surgery, dentistry, osteopathy, chiropractic, or drugless healing by any person duly licensed to engage in such practice.

This chapter does not repeal, alter, modify, or otherwise affect any act defining, or governing, or regulating the practice of medicine, surgery, dentistry, osteopathy, chiropractic, or drugless healing.

1215. The provisions of this chapter do not apply to hospitals or hospital departments wholly or partly maintained by an employer for the purpose of furnishing his employees with medical or surgical examination or treatment or to any nonprofit foundation incorporated under the laws of California. Scope of chapter.

nia the majority of the directors of which are qualified under the laws of California to furnish through newspapers, magazines, pamphlets, the radio, or otherwise information and advice relating to individual, community, and public health subjects.

Article 2. Permits to Operate.

Permit.

1218. All persons now operating or hereafter desiring to operate a clinic shall make written application to the board for a permit to operate.

Application.

1219. The application shall contain at least the following:

(a) The name and the address of the persons owning the place, establishment, or institution in which the clinic is to be, or is, operated.

(b) The name and the address of the persons operating or to operate the clinic.

(c) The class of clinic operated or proposed to be operated.

(d) The name and address of the professional licentiate responsible for the operation of the clinic.

(e) The kind and nature of the advice and treatment given or to be given.

(f) A full description of the building, its location, facilities, equipment, apparatus, and appliances to be furnished or used in the operation of the clinic.

(g) The sources of the funds and income for the operation of the clinic.

(h) The amount of the administrative or other charges, if any, to be made against patients.

(i) Except in the case of private pay clinics, the schedule of fees, if any, to be charged patients.

(j) Such additional information as the director and the board may require by any rule or regulation.

Verification of application.

1220. The application shall be verified, before an officer of the State authorized to administer oaths, by the person, or a member of the firm or association, or an officer of the corporation, making the application.

Renewal.

1221. Application for renewal of permit shall be made annually by every person holding a permit to operate a clinic: but no application for renewal need be made by any person desiring to continue the operation of an employer's clinic, or a research clinic operating under a nonprofit foundation registered with the United States government for tax exemption.

Investigation.

1222. Upon the filing of any application for a permit or for renewal, the director shall investigate the facts set forth in the application.

1223. If he finds that the statements contained in the application are true and that the establishment or the continued operation of the clinic is in conformity with the intent and purpose of this chapter and that there is need for the clinic in the community in which it is or is proposed to be operated, and that the establishment or its continued operation is for the benefit of the public health, he shall so report to the board and the board shall issue a permit. Report.

1224. The permits shall contain at least the following: Contents of permit.
 (a) The name and address of the clinic and of its owner.
 (b) The name and address of the person charged with the operation of the clinic.
 (c) The class of clinic licensed to be operated thereunder.
 (d) The year covered by the permit.
 All permits shall be signed or countersigned by the director.

1225. If the board does not within three months after the filing of the application issue a permit, it shall state the grounds and reasons for its refusal in writing, furnishing a copy to the applicant. Refusal of permit.

1226. The director may at any time visit, enter, examine, and inspect the premises occupied, maintained, and conducted by any clinic, and may examine all matters in relation thereto. The board may designate any city or county health officer its agent for the purpose of this chapter. Examination, inspection, etc.

1227. After due notice to a clinic and reasonable opportunity for it to be heard, the board may, by written order, revoke the permit of a clinic if it appears that the clinic has violated the provisions of this chapter. Revocation of permit.

1228. The order shall state the grounds and reasons for revoking the permit and the time at which the revocation shall take effect, and the order shall be subject to review in accordance with law. Order of revocation.

Article 3. Regulations.

1230. The director shall annually compile a list of the clinics operated by the United States, or any of its departments, officials, or agencies, in this State, and a record showing the address at which each is situated, the department or official or agency of the United States operating the clinic, the purpose of the clinic, and such other obtainable information as the director or the board requires of the other classes of clinics by any rule or regulation adopted under the provisions of this chapter. List of clinics.

1231. The board may make reasonable rules and regulations for the operation of clinics in order: Rules and regulations.

(a) To provide adequate facilities, equipment, and appliances.

(b) To provide the attendance and services of duly qualified licensed practitioners of the healing arts.

(c) To secure sufficient information showing the necessity, basis, and method of any appeal to the public for funds for the support of a clinic so as to avoid unnecessary or wasteful duplication of services, and to show the need of the community, or of the persons proposed to be advised or treated, for the service rendered or proposed to be rendered.

(d) To regulate the purposes and objects for which funds designated in subdivision "(c)" are applied and to amend or repeal any thereof.

Posting
permit.

1232. Any person operating a clinic shall display in a public place in the clinic the permit to operate the clinic.

Report
of clinic.

1233. Every clinic holding a permit shall on or before the fifteenth day of February of each year file with the board, upon forms to be furnished by the board, a verified report showing all of the following:

(a) The number of patients treated in the clinic during the year preceding the making of the report.

(b) The aggregate amount of administration or other charges or fees collected from the patients.

(c) The total amount of money and property received by the clinic, its owner, or manager from all other sources for the support, maintenance, or operation of the clinic.

(d) Such other information and data as the board shall require in the forms of report, to enable the board to carry out the purposes of this chapter.

Report of
board.

1234. The board shall file an annual report which shall include:

(a) A list of the clinics holding permits granted under this chapter and all clinics operated by the United States or any of its departments, officers or agencies, setting forth the name, address, and class of each clinic, and such other information and data as the board shall require in the furtherance of the public health.

(b) The list of clinics provided for in this chapter.

(c) The rules and regulations provided for in this chapter and then in force.

Publication
of report.

1235. The report shall be printed and published at least once a year and distributed at the cost of printing by the board.

Article 4. Revenue.

Permit fee.

1240. All clinics other than governmental clinics shall pay prior to the issuance of a permit to operate an annual permit fee to the board in the sum of twenty dollars.

1241. Within ten days from the beginning of each month, the director shall report to the State Controller the amounts and source of the collections made under the provisions of this chapter. Report of collections.

1242. At the same time all money so collected shall be paid into the State treasury and shall be placed to the credit of the clinic and dispensary fund, which fund is continued in existence. Deposit of funds.

1243. All amounts paid into the fund are appropriated to the board to be expended only for the purpose of meeting the necessary expenses of the board and the director in the performance by them of the duties imposed by this chapter. Claims against the fund shall be paid in accordance with the provisions of law. Use of funds.

(Added by Stats. 1939, Ch. 103, as part of codification.)

Article 5. Offenses.

1251. Every person who operates any clinic without first having obtained a permit to operate it, or who operates it without complying with this chapter, or any rule or regulation provided for in this chapter, is guilty of a misdemeanor. Penalty.

CHAPTER 2. MATERNITY HOSPITALS.

1400. A maternity hospital is a hospital, asylum, institution, or boarding house where females may be received, cared for, or treated during pregnancy, or during or after delivery. As used in this chapter "maternity hospital" includes "lying-in asylum." "Maternity hospital."

1401. As used in this chapter the word "operate" and its variants include "maintain," "conduct," "assist in maintaining or conducting as manager or officer," and their variants. "Operate."

1402. As used in this chapter the word "permit" includes "license."

1403. It is unlawful for any person to operate a maternity hospital without possessing a permit from the State Department of Public Health. Permit required.

1404. The department may issue permits to persons to operate maternity hospitals as provided in this chapter. Issuance.

1405. The permit shall be in writing. To be written.

1406. The department shall prescribe the conditions upon which permits shall be granted. Conditions for permits.

- Rules and regulations. 1407. The department shall promulgate such rules and regulations as it may deem best for the government and regulation of maternity hospitals.
- Inspection. 1408. The department may inspect and report upon the conditions prevailing in maternity hospitals.
- Revocation. 1409. The permit shall continue until it is revoked for cause after a hearing.
- Penalty. 1410. Every person who operates a maternity hospital without possessing a permit is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than one year, or by a fine not to exceed five hundred dollars, or both.
- Application of chapter. 1411. This chapter does not modify or diminish the authority and control exercised over children by the Department of Social Welfare.

CHAPTER 4. BIOLOGICS.

(Ch. 4 added by Stats. 1939, Ch. 910.)

- "Distribute." 1600. As used in this chapter, "distribute" includes sale and exchange.
(Added by Stats. 1939, Ch. 910.)
- "Biologics." 1601. As used in this chapter, "biologics" includes serum, vaccine, live vaccine, killed vaccine, tissue vaccine, autogenous vaccine, live virus, killed virus, live bacterial culture, killed bacterial culture, bacterin, hormone, tissue extract, gland extract, gland preparation, insulin and similar products made from animal tissues or micro-organisms and offered for sale for the prevention or treatment of disease.
(Added by Stats. 1939, Ch. 910.)
- Distributors of biologics. 1602. No person shall distribute biologics produced other than:
(a) In a laboratory licensed by the United States Public Health Service;
(b) In a laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture; or
(c) Under the provisions of this chapter.
(Added by Stats. 1939, Ch. 910.)
- Rules and regulations. 1603. The State department shall make rules and regulations governing the storage and transportation of all biologics by whomsoever produced and governing the production, standards of potency and truthful advertising of all biologics except those produced under license from any of the following:
(a) United States Public Health Service;

(b) Bureau of Animal Industry of the United States Department of Agriculture.

(Added by Stats. 1939, Ch. 910.)

1604. The department shall prescribe minimum standards for equipment of laboratories used in the production of biologics under licenses issued under this chapter.

Standards for equipment.

(Added by Stats. 1939, Ch. 910.)

1605. No person shall engage in the business of preparing biologics in this State, except under a license issued by the State department or the United States Public Health Service or the Bureau of Animal Industry of the United States Department of Agriculture.

License.

(Added by Stats. 1939, Ch. 910.)

1606. The department by rules and regulations shall prescribe minimum standards for the production of various types of biologics.

Standards for production.

(Added by Stats. 1939, Ch. 910.)

1607. Applications for licenses shall be made upon forms issued by the State department.

Application.

(Added by Stats. 1939, Ch. 910.)

1608. The application shall contain at least the following:

Contents of application.

(a) The name and address of the person owning the place, establishment, or institution in which the laboratory is to be operated;

(b) The name and address of the person to operate the laboratory;

(c) The types of biologics to be produced;

(d) A full description of the building, its location, facilities, equipment, and apparatus to be used in the operation of the laboratory;

(e) Such additional information as the department may require by any uniform rule or regulation in order to show compliance with minimum requirements.

(Added by Stats. 1939, Ch. 910.)

1609. The application shall be accompanied by a fee of twenty-five dollars, which shall be the license fee for the first year or portion thereof, ending December 31.

Fee.

(Added by Stats. 1939, Ch. 910.)

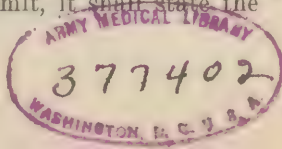
1610. Any applicant having a laboratory meeting the prescribed minimum standards shall be thereby entitled to a license.

Laboratory.

(Added by Stats. 1939, Ch. 910.)

1611. If the department does not within sixty days after the filing of the application issue a permit, it shall state the

Refusal of license.



grounds and reasons for its refusal in writing, serving a copy upon the applicant.

The notice may be served by registered mail addressed to the applicant at his last known address.

(Added by Stats. 1939, Ch. 910.)

Renewal. 1612. Licenses shall be renewed annually thereafter from January 1.

Applications for renewal shall be made in writing after each November 1, but not later than each December 20.

The application shall be accompanied by a renewal fee of five dollars.

(Added by Stats. 1939, Ch. 910.)

Contents of license. 1613. The license shall contain at least the following:

(a) The name and address of the laboratory and its owner;

(b) The name and address of the person charged with the operation of the laboratory;

(c) The types of biologics licensed to be produced;

(d) The year covered by the license.

(Added by Stats. 1939, Ch. 910.)

Tests. Rules and regulations. 1614. The State department shall fix reasonable charges for analyzing and testing the products of a licensee, and shall make such rules and regulations, not inconsistent with this chapter as may be necessary to carry out the provisions of this chapter.

(Added by Stats. 1939, Ch. 910.)

Suspension or revocation of license. 1615. Licenses shall be suspended or revoked by the State department for the violation of any provision of this chapter or of any rule or regulation made by the State department under authority conferred by this chapter.

(Added by Stats. 1939, Ch. 910.)

Hearing. 1616. Licenses shall be suspended or revoked only after a hearing at which the licensee shall have an opportunity to appear, either in person or by counsel, and to present evidence in his behalf. The licensee shall have at least ten days notice of the hearing. The notice may be served by registered mail addressed to the licensee's last known address.

(Added by Stats. 1939, Ch. 910.)

Written order. 1617. No suspension or revocation of a license shall be effective until after the department has served upon the licensee a written order stating the grounds and reasons for the suspension or revocation. The order may be served by registered mail addressed to the licensee's last known address.

(Added by Stats. 1939, Ch. 910.)

Penalty. 1618. The violation of any provision of this chapter or of any rule or regulation issued under this chapter is a misde-

meaunor punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than thirty days, or by both.

(Added by Stats. 1939, Ch. 910.)

1619. The State department shall enforce this chapter.

Enforcement.

(Added by Stats. 1939, Ch. 910.)

1620. The department in issuing, suspending, or revoking a license shall be controlled by the facts of each case and shall have no arbitrary discretion.

Controlled by facts.

(Added by Stats. 1939, Ch. 910.)

1621. District and city attorneys shall prosecute violations of this chapter upon evidence of violations within their respective jurisdictions submitted by the State department.

Prosecutions.

(Added by Stats. 1939, Ch. 910.)

DIVISION III. QUARANTINE AND PEST ERADICATION.

CHAPTER 1. RAILWAY INSPECTION.

1700. Whenever, in the opinion of the State Department of Public Health, there exists imminent danger of the introduction of contagious or infectious diseases into this State, by means of railroad communication with other states, the department shall make an inspection of all railroad cars, coming into the State at such point, or between such points within the State limits, as may be selected for the purpose.

Inspection of railroad cars.

1701. The inspection shall be made, where practicable, during the ordinary detention of a train at a station, or while in transit between stations, and in all cases shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies, so far as consistent with the purposes of this chapter.

Place of inspection.

1702. If discovery is made of the existence among the passengers of any case of dangerous, contagious, or infectious disease, the State department, under rules and conditions prescribed by it, may:

Quarantine and preventive measures.

(a) Cause the side-tracking or detention of any car so infected.

(b) Isolate the sick or remove them to a suitable place for treatment.

(c) Establish a suitable refuge station.

(d) Cause the passengers and materials in the infected car to be subjected to disinfection and cleansing before proceeding farther into the State.

(e) In the case of smallpox, offer free vaccination to all persons exposed in any car or at any station.

Expenses. 1703. All expenditures authorized for the purpose of this chapter shall be specified in an itemized account to be presented to the Department of Finance, and paid as other demands on the treasury are paid; but in no case shall the sum expended exceed that specially appropriated for the purpose.

CHAPTER 2. RODENTS.

"Place." 1800. "Place," as used in this chapter, includes land, place, building, structure, wharf, pier, dock, vessel, or water craft.

"Rodent." 1801. "Rodents," as used in this chapter, means rats, mice, gophers, and ground squirrels.

"Possess." 1802. "Possess," as used in this chapter, includes control, own, lease, occupy, possess, or have charge of or dominion over.

Duty to exterminate. 1803. Every person possessing any place that is infested with rodents, as soon as their presence comes to his knowledge, shall at once proceed and continue in good faith to endeavor to exterminate and destroy the rodents, by poisoning, trapping, and other appropriate means.

Inspection of places. 1804. The State department, the board of supervisors of each county, local health officers, or inspectors appointed by any of them, as provided in this chapter, may inspect all places for the purpose of ascertaining whether they are infested with rodents and whether the requirements of this chapter as to their extermination and destruction are being complied with. However, no building occupied as a dwelling, hotel, or rooming house, shall be entered for inspection purposes except between the hours of nine a.m., and five o'clock p.m.

County expense. 1805. The board of supervisors of each county and the governing body of each city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when it determines that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate money for the purchase of, and may purchase, poison, traps, and other materials for the purpose of exterminating and destroying rodents in that county or city, and may employ and pay inspectors, who shall prosecute the work of extermination and destruction on both private and public property in the county or city.

Extermination by State or local health officer. 1806. Whenever any person possessing any place that is infested with rodents, fails, neglects or refuses to proceed and to continue to endeavor to exterminate and destroy the rodents, as required in this chapter, the State department

and its inspectors, the county board of supervisors and its inspectors, and the local health officer, shall at once cause the rodents to be exterminated and destroyed.

1807. The expense of exterminating and destroying the rodents is a charge against the county or city in which the work is done, and the board of supervisors or other governing body shall allow and pay it. Expense.

1808. The governing body shall file in the office of the county recorder a notice of the payment, claiming a lien on the property for the amount of the payment. Notice of expense.

1809. All sums so paid by the county or city are a lien on the property on which the work was done, and may be recovered in an action against the property. Lien.

1810. The action to foreclose the lien shall be brought within ninety days after the payment, and shall be prosecuted by the district or city attorney in the name of the county, or city, as the case may be, and for its benefit. Action to foreclose.

1811. When the property is sold, enough of the proceeds shall be paid into the treasury of the county or city to satisfy the lien and the costs, and the surplus, if any, shall be paid to the owner of the property, if known, and if not known shall be paid into the court for the use of the owner when ascertained. Proceeds.

1812. If it appears from the complaint in the action that the property on which the lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold it while the action is pending or until the defendant executes and files a bond, with sufficient sureties, conditioned for the payment of any judgment that may be recovered against him in the action and of all costs. Receiver.

1813. A violation of the provisions of this chapter is a misdemeanor. Penalty.

CHAPTER 3. RABIES.

Article 1. Rabies Control.

1900. "Rabies," as used in this article, includes rabies, and any other animal disease dangerous to human beings that may be declared by the State department as coming under the provisions of this article. "Rabies."

1901. "Quarantine," as used in this article, means the strict confinement, upon the private premises of the owner, "Quarantine."

under restraint by leash, closed cage, or paddock, of all animals specified in the order of the State department.

Preliminary
investigation.

1902. Whenever any case of rabies is reported as existing in any county or city, the State department shall make, or cause to be made, a preliminary investigation as to whether the disease exists, and as to the probable area of the State in which the population or animals are endangered.

Quarantine.

1903. If upon the investigation the State department finds that rabies exists, a quarantine shall be declared against all such animals as are designated in the quarantine order, and living within the area specified in the order.

Thorough
investigation.

1904. Following the order of quarantine the State department shall make or cause to be made a thorough investigation as to the extent of the disease, the probable number of persons and animals exposed, and the area found to be involved.

Regulations.

1905. The State department may substitute for the quarantine order such regulations as may be deemed adequate for the control of the disease in each area.

Enforcement.

1906. All peace officers and boards of health shall carry out the provisions of this article.

Destruction
of animals.

1907. During the period for which any quarantine order is in force any officer may kill or in his discretion capture and hold for further action by the State department any animal in a quarantine area, found on public highways, lands, and streets, or not held in restraint on private premises as specified in this article.

Inspection.

1908. Any proper official within the meaning of this article may examine and enter upon all private premises for the enforcement of this article.

Penalty.

1909. Every person who possesses or holds any animal in violation of the provisions of this article is guilty of a misdemeanor.

Fund.

1910. For the purpose of providing funds to pay expenses incurred in connection with the eradication of rabies, the rabies treatment and eradication fund is continued in existence in each county or city in this State.

Dog license
tax.

1911. All money collected for dog license taxes shall be deposited to the credit of this fund with the treasurer of the county or city; but funds now collected from any dog tax may continue to be collected and used for other purposes specified by local ordinances.

1912. Upon the determination by the State department that rabies exists in any county or city, a special dog license tax shall immediately become effective, unless a dog tax is already in force the funds from which are available for the payment of expenditures in accordance with the provisions of this article.

Special
dog tax.

1913. This tax shall be levied as follows: An annual tax of one dollar and fifty cents for each male, two dollars and fifty cents for each female, and one dollar and fifty cents for each neuter dog. It shall be collected by the proper authority at the same time and in the same manner as other taxes are collected; except that at the first collection such proportion of the annual tax as corresponds to the number of months the tax has been in operation plus one year advance payment shall be collected.

Rate of tax.

1914. After this dog license tax has been established in a county or city, it shall be continued in force until an order has been issued by the State department declaring that county, or such portion of that county as may be deemed advisable, to be free from rabies or further danger of its spread.

Termination
of tax.

1915. One half of all fines collected by any court or judge for violations of the provisions of this article shall be placed to the credit of the rabies treatment and eradication fund of the county or city in which the violation occurred.

Disposition
of fines.

1916. Whenever it becomes necessary in the judgment of the State department, to enforce the provisions of this article in any county or city, the department may institute special measures of control to supplement the efforts of the local authorities in any county or city whose duties are specified in this article.

Special
control
measures.

1917. All expenditures incurred in enforcing the special measures shall be proper charges against the special fund referred to in this article, and shall be paid as they accrue by the proper authorities of each county or city in which they have been incurred; but all expenditures that may be incurred after the issuance of the order establishing the tax and before the first collection of the tax, shall be paid as they accrue from the general fund of the county or city.

Expenditure
of fund.

1918. All expenditures in excess of the balance of money in this fund shall likewise be paid as they accrue from the general fund. All money thus expended from the general fund shall be repaid from the special fund when the collections from the tax have provided the money.

Additional
expenditures.

Article 2. Anti-rabic Virus.

Authoriza-
tion to
distribute.

2000. The State department shall purchase or prepare, and distribute free of cost, under such regulations as may be necessary, anti-rabic virus to be used in the treatment of persons exposed to rabies when they declare that it would be a hardship for them to pay for anti-rabic treatment.

CHAPTER 4. AVIARIES.

"Aviary."

2100. "Aviary," as used in this chapter, means a place where shell parrakeets are stored or offered for sale, trade, or barter.

Certificate of
registration.

2101. No person shall maintain or conduct in this State an aviary without first obtaining a certificate of registration in writing from the State Department of Public Health.

Inspection.

2102. All aviaries shall be open to inspection, at all times, by inspectors of the State department.

Sale of shell
parrakeets.

2103. No shell parrakeets shall be sold, offered for sale, traded, or bartered, from an aviary unless the person conducting the aviary or other place of business has first obtained a certificate of registration.

Fees.

2104. An annual fee of five dollars shall be required for the certificate of registration. All fees collected under the provisions of this chapter shall be paid into the State treasury to the credit of the aviary inspection fund, which fund is continued in existence. All money in the aviary inspection fund shall be paid out in accordance with law to pay the salaries of inspectors employed by the State department to enforce the provisions of this chapter and also to pay all other necessary expenses incurred in the enforcement of this chapter.

Aviary
inspection
fund.

(Added by Stats. 1939, Ch. 104, as part of codification.)

Limit on
quarantine.

2105. No quarantine of any birds shall be effective as to any birds held in captivity in any bird store or other place of business for more than twenty days unless within that time the State department examines the birds in the aviary and determines that one or more of the birds is afflicted with a disease dangerous to the health of human beings.

Penalty.

2106. Every person who violates any of the provisions of this chapter is guilty of a misdemeanor.

CHAPTER 5. MOSQUITO ABATEMENT DISTRICTS.

Article 1. General Provisions.

"District."

2200. "District," as used in this chapter, refers to any mosquito abatement district formed pursuant to this chapter or pursuant to any law which it supersedes.

2201. "Board," or "District board," as used in this chapter, refers to the board of trustees of a district. "Board."

2202. "City," as used in this chapter, includes a city and county. "City."

2203. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a proposed district shall likewise be regarded as a unit. "Unit."

2204. Every notice required by this chapter to be published shall be published in a daily, weekly, or semi-weekly newspaper; but, if there is no daily, weekly, or semi-weekly newspaper published within the district or within a subdivision of the district or other territory in which it is required to be published, the notice shall be posted for the length of time required for its publication in three public places of the district, subdivision, or other territory, as the case may be. Publication of notices.

2205. A mosquito abatement district may be organized and managed as provided in this chapter, and may exercise the powers expressly granted or necessarily implied by this chapter. Application of chapter.

Article 2. Formation.

2210. Any territory in one or more counties, having a population of not less than one hundred inhabitants, may be organized as a mosquito abatement district. Territory.

2211. A petition to form a district may consist of any number of separate instruments. It shall be presented at a regular meeting of the board of supervisors of the county in which the greater portion of the proposed district is located. It shall be signed by registered voters in each unit of the proposed district, equal in number to at least ten per cent of the number of votes cast in each unit respectively for the office of Governor at the last gubernatorial election prior to the time the petition is presented. Petition.

Before a city can be included in the proposed district, its governing body shall request the inclusion of the city by resolution, duly authenticated. Consent of city.

2212. The petition shall set forth and describe the boundaries of the proposed district, and shall request that it be organized as a mosquito abatement district. The text of the petition shall be published, for at least two weeks before the time it is to be presented, in the county where the petition is presented, and in each city a portion of which is included in the proposed district. Publication

The text of the petition published shall have attached a notice stating the time of the meeting of the board of supervisors at which it will be presented.

Where published.

2213. If any portion of the proposed district lies in another county, the petition and notice shall be likewise published in that county.

Contents of publication.

2214. When contained upon more than one instrument, only one copy of the petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated.

Notice of hearing.

2215. With the publication of the petition there shall be published a notice of the time of the meeting of the board of supervisors when the petition will be considered, stating that all persons interested may appear and be heard.

Hearing.

2216. At that time the board of supervisors shall consider the petition and hear those appearing and all protests and objections to it. It may adjourn the hearing from time to time, not exceeding two months in all.

Defects.

2217. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings, if the petition has a sufficient number of qualified signatures.

Changes in boundary.

2218. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries.

Additional notice on change of boundary.

2219. If the board of supervisors deems it proper to include any territory not proposed for inclusion within the proposed boundaries, it shall first cause notice of its intention to do so to be mailed to each owner of land in the territory whose name appears as owner on the last completed assessment roll of the county in which the territory lies, addressed to the owner at his address given on the assessment roll, or if no address is given, to his last known address; or if it is not known, at the county seat of the county in which his land lies. The notice shall describe the territory, and shall fix a time, not less than two weeks from the date of mailing, when all persons interested may appear before the board of supervisors and be heard.

Consent of city.

2220. The boundaries of a district lying in a city shall not be altered unless the governing board of the city, by resolution, consents to the alteration.

Finding.

2221. Upon the hearing of the petition the board of supervisors shall determine whether or not the public necessity or

welfare of the proposed territory and of its inhabitants requires the formation of the district, and shall also determine whether or not the petition complies with the provisions of this chapter, and for that purpose shall hear all competent and relevant testimony offered.

2222. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the State in a suit commenced by the Attorney General.

Finality
of finding.

2223. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors. The name shall contain the words "mosquito abatement district."

Order of
formation.

2224. The county clerk shall immediately file for record in the office of the county recorder of each county in which any portion of the land embraced in the district is situated, and shall also forward to each board of supervisors of each of the other counties, if any, in which any portion of the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

Filing
of order.

Article 3. Officers.

2240. Within thirty days after the filing with the Secretary of State of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The district board shall be appointed as follows:

Board of
trustees.

(a) If the district is situated in one county only and consists wholly of unincorporated territory, five members shall be appointed by the board of supervisors of the county.

(b) If the district is situated entirely in one county and includes both incorporated and unincorporated territory one member shall be appointed from the district at large by the board of supervisors of the county, and one member from each city, the whole or part of which is situated in the district, by the governing body of the city; but if the district board created consists of less than five members, the board of supervisors shall appoint from the district at large enough additional members to make a board of five members.

(c) If the district is situated in two or more counties and is comprised wholly of unincorporated territory, one member shall be appointed from each county or portion of a county situated in the district by the board of supervisors; but if the district board created consists of less than five members, the board of supervisors of the county in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(d) If the district is situated in two or more counties and consists of both incorporated and unincorporated territory, one member shall be appointed by the board of supervisors of each of the counties from that portion of the district lying within its jurisdiction; and one member from each city, a portion of which is situated in the district by the governing body of the city; but if the board created consists of less than five members, the board of supervisors in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

Name of
board.

2241. The district board shall be called "The board of trustees of ----- mosquito abatement district."

Qualifica-
tions of
member:
From city.

2242. Each member of the board appointed by the governing body of a city shall be an elector of the city from which he is appointed, and a resident of that portion of the city which is in the district.

From county.

2243. Each member appointed from a county or portion of a county shall be an elector of the county and a resident of that portion of the county which is in the district.

At large.

2244. Each member appointed at large shall be an elector of the district.

Terms of
office.

2245. The members of the first board in any district shall classify themselves by lot at their first meeting so that:

(a) If the total membership is an even number, the terms of one-half the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

(b) If the total membership is an odd number, the terms of a bare majority of the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

The term of each subsequent member is two years from and after the expiration of the term of his predecessor.

2246. In event of the resignation, death, or disability of any member, his successor shall be appointed by the governing body which appointed him. Vacancy.

2247. The members of the first district board shall meet on the first Monday subsequent to thirty days after the filing with the Secretary of State of the certificate of incorporation of the district. They shall organize by the election of one of their members as president and one as secretary. First meeting.

2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. Compensation.

2249. The secretary shall receive such compensation as shall be fixed by the district board. Secretary.

2250. The district board shall provide for the time and place of holding its regular meetings, and the manner of calling them, and shall establish rules for its proceedings. Meetings.

2251. Special meetings may be called by three members, notice of which shall be given to each member at least three hours before the meeting. Special meetings.

2252. All of its sessions, whether regular or special, shall be open to the public. Open to public.

2253. A majority of the members shall constitute a quorum for the transaction of business. Quorum.

Article 4. District Powers.

2270. The district board may:

Powers.

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects in the district.

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects in the district.

(c) Purchase such supplies and materials and employ such labor as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary levees, cuts, canals, or channels upon any land in the district, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for levees, cuts, canals, or channels.

(f) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter.

Mosquito
breeding
place
declared a
nuisance.

2271. Any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition, is a public nuisance.

Abatement
of nuisance.

2272. The nuisance may be abated in any action or proceeding, or by any remedy, provided by law.

Additional
remedies.

2273. Any remedy provided in this chapter for the abatement of a nuisance is in addition to any other remedy provided by law.

Notice
to abate.

2274. Whenever a nuisance specified in this chapter exists upon any property in a district, the district board may in writing notify the record owner, or person in charge or in possession of the property, of the existence of the nuisance.

Contents of
notice.

2275. The notice shall direct that the owner shall, within a specified time, abate the nuisance by destroying the larvae or pupae that are present.

Time limit.

2276. The notice shall further direct that the owner shall, within a specified time, perform any work that may be necessary to prevent the recurrence of breeding in the places specified in the notice.

Service
of notice.

2277. The notice shall be served upon the owner of record, or person having charge or possession, of the property upon which the nuisance exists, or upon the agent of either.

Manner of
service.

2278. The notice may be served by any person authorized by the district board in the same manner as a summons in a civil action.

Service by
posting or
mailing.

2279. If the property belongs to a person who is not a resident of the district, and is not in charge or possession of any person, and there is no tenant or agent of the owner upon whom service can be made, who can after diligent search be found; or if the owner of the property can not after diligent search be found, the notice may be served by posting a copy in a conspicuous place upon the property for a period of ten days, and by mailing a copy to the owner addressed to his address as given on the last completed assessment roll of the

county in which the property is situated, or, in the absence of an address on the roll, to his last known address.

2280. Before complying with the requirements of the notice the owner may appear at a hearing before the board at a time and place fixed by the board and stated in the notice. Hearing.

2281. At the hearing the district board shall redetermine whether or not the owner shall abate the nuisance and prevent its recurrence, and shall specify a time within which the work shall be completed. Finding.

2282. In the event that the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae and by taking appropriate measures to prevent the recurrence of further breeding. Abatement by district.

2283. The cost of abatement shall be repaid to the district by the owner. Cost.

2284. All sums expended by the district in abating a nuisance or preventing its recurrence are a lien upon the property on which the nuisance is abated, or its recurrence prevented. Lien.

2285. Notice of the lien shall be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within six months after the first item of expenditure by the board. Notice of lien.

2286. An action to foreclose the lien shall be commenced within six months after the filing and recording of the notice of lien. Action to foreclose.

2287. The action shall be brought by the district board in the name of the district. Brought by district.

2288. When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure shall be paid to the district; and the surplus, if any, shall be paid to the owner of the property if known, and if not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when ascertained. Sale.

2289. The lien provisions of this chapter do not apply to the property of any county, city, district, or other public corporation. However, the governing body of the county, city, district, or other public corporation shall repay to any mosquito abatement district the amount expended by the district upon any of its property under this chapter upon presentation by the district board of a verified claim or bill. Abatement on public property.

Tax to
destroy rats.

2290. Any mosquito abatement district organized on or after August 14, 1931, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may provide for the destruction and extermination of rats in the district; and may include suitable sums for that purpose in its expense estimates, which shall be raised in the manner provided by law for the raising of other sums for the district.

Destruction
of rats.

2291. The district board shall supervise and manage the destruction and extermination of rats in the district by the officers, agents, and employees of the district.

Article 5. Finances and Taxation.

Estimate of
money
needed.

2300. The district board of each mosquito abatement district shall, at least fifteen days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year.

Proration
of estimate.

2301. If the district is in more than one county the total estimate shall be prorated for each county by the district board in proportion to the value of the taxable property of the district in each county. The value of the taxable property shall be determined from the last equalized assessment-rolls of the counties. When the proration of the estimate has been made, the district board shall furnish the supervisors and auditors of each county a written statement of the apportionment for that county.

Levy of tax.

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the "----- mosquito abatement district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value. The maximum rate of the tax shall not be greater than fifteen cents on each one hundred dollars of taxable property of the district in the county.

Election
for addi-
tional tax.

2303. Whenever it appears to the district board that the amount of funds required during an ensuing fiscal year will

exceed the amount that can be raised by a levy by the board of supervisors of the maximum rate for the annual district tax, the district board may call an election to submit to the electors of the district the question of whether a tax shall be voted for raising the additional funds.

2304. Notice of the election shall be published for at least Notice.
four weeks prior to the election.

2305. No particular form of ballot shall be required, nor Conduct of election.
shall any informalities in conducting the election invalidate it if it is otherwise fairly conducted.

2306. At the election the ballots shall contain the words Ballot.
"Shall the district vote a tax to raise the additional sum of
-----?", or words equivalent thereto.

2307. The district board shall canvass the votes cast at Canvass.
the election, and if a majority are in favor of the imposition of the tax, shall report the result to the board of supervisors of the county in which the district is situated, stating the additional amount of money required to be raised. If the Proration of tax.
district is in more than one county the additional amount shall be prorated for each county by the district board in the same way that the district's original total estimate of funds is prorated; and the district board shall furnish the supervisors and auditor of each county a written statement of the apportionment for that county.

2308. The board of supervisors of each county receiving Levy of additional tax.
the written statement shall, at the time of levying county taxes, levy an additional tax upon all the taxable property of the district in the county sufficient to raise the amount apportioned to that county.

2309. All taxes levied under this chapter shall be com- Collection.
puted and entered on the county assessment-roll by the county auditor and collected at the same time and in the same manner as other county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district.

2310. If the district is in more than one county the treas- Funds.
ury of the county in which the district is organized is the depository of all funds of the district.

2311. The treasurers of the other counties shall, at any Accounting.
time, not oftener than twice each year, upon the order of the district board settle with the district board and pay over to the treasurer of the county where the district is organized all money in their possession belonging to the dis-

trict. The last named treasurer shall receipt for the money and place it to the credit of the district.

Withdrawal
of funds.

2312. The funds shall only be withdrawn from the county treasury depository upon the warrant of the district board signed by its president or acting president, and countersigned by its secretary.

Article 6. Annexation.

Territory.

2330. Any territory lying adjacent and contiguous to a mosquito abatement district may be annexed to the district.

Consent
of city.

2331. If the territory is in a city, consent to the annexation shall first be obtained from the governing body of the city. An authenticated copy of the resolution or order of that body consenting to the annexation, shall be attached to the annexation petition.

Petition.

2332. The district board, upon receiving a written petition for annexation containing a description of the territory sought to be annexed, signed by registered voters in the territory equal in number to at least ten per cent of the number of votes cast in the territory for the office of Governor at the last gubernatorial election prior to the time the petition is presented, shall set the petition for hearing. It shall give notice of the hearing by publishing a copy of the petition, together with notice of the time and place set for the hearing, in each county in which any part of the district or of the territory is situated, and in each city situated wholly or in part in the territory.

Publication.

Names
published.

2333. Not more than five of the names attached to the petition need appear in the publication, but the number of signers shall be stated.

Hearing.

2334. At the time set for the hearing the district board shall hear persons appearing in behalf of the petition and all protests and objections to it. The district board may adjourn the hearing from time to time, not exceeding two months in all.

Change in
boundaries.
Findings.

2335. On the final hearing the district board shall make such changes as it believes advisable in the boundaries of the territory, and shall define and establish the boundaries. It shall also determine whether or not the petition meets the requirements of this chapter.

Failure to
object.

2336. The failure of any person interested in the annexation of territory to the district to object to the annexation is an assent on his part to any change in the boundaries in the

district that may be requested in the petition or to any change made by the district board.

2337. The filing of the petition with the district board is an assent on the part of each of the petitioners to any change in the boundaries of the district that will include the whole or any portion of the territory described in the petition.

Consent
by filing.

2338. If upon the hearing the district board finds that the petition and the proceedings thereon meet the requirements of this chapter and that it is desirable and to the interests of the district and of the territory proposed to be annexed that the territory, with boundaries as fixed and determined by the district board, or any portion of it, should be annexed to the district, the board shall order the boundaries of the district changed to include the territory, or portion of the territory.

Finding.

2339. The order of annexation shall describe the boundaries of the annexed territory and that portion of the boundary of the district which coincides with any boundary of the territory. If necessary in making the order, the board may have any portion of the boundaries surveyed.

Order of
annexation.

2340. If more than one petition for the annexation of territory have been presented, the district board may in one order include in the district any number of separate territories.

Several
petitions.

2341. The order of annexation shall be entered in the minutes of the board and certified copies shall be filed with the Secretary of State and with the county clerk and county recorder of each county in which the district or any part of it is situated.

Order filed
with Sec-
retary
of State.

2342. From and after the date of the filing and recording of the certified copies of the order, the territory described in the order is a part of the district, with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

Effective
date.

2343. After the annexation of territory to a district the district board shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district formed originally with boundaries embracing the annexed territory. However, the members of the district board in office at the time of the annexation shall continue to serve as members during the remainder of the terms for which they were appointed.

Effect on
membership
of board.

Article 7. Consolidation.

2360. Two or more contiguous mosquito abatement districts may be consolidated.

Consoli-
dation.

Resolution
proposing
consolidation.

2361. Whenever in the judgment of the district board it is for the best interests of the district that it be consolidated with one or more other similar districts, it may, by a two-thirds vote of its members, adopt a resolution reciting that fact and declaring the advisability of the consolidation and the willingness of the board to consolidate. It shall then send a copy of the resolution to the board of each of the other districts with which consolidation is proposed.

Consideration
by other
districts.

2362. The district board of each of the other districts shall consider the proposal and give notice of its decision to the proposing board.

Resolution
of acceptance.

2363. If each of the other boards, by two-thirds vote of its membership, adopts a resolution in favor of consolidation and declaring its willingness to consolidate, the board of each district proposed to be consolidated shall forthwith call a special election in its district at which shall be submitted to the electors of the district the question whether or not the consolidation shall be effected.

Election.

2364. The election shall be called and conducted, and the returns canvassed and declared so far as practicable in accordance with the requirements of this chapter for an election at which is submitted to the voters of the district the question of whether or not the district shall vote a tax to raise an additional sum of money in any year.

Ballot.

2365. The ballot shall contain the words "Consolidated—Yes" and "Consolidated—No", or words equivalent thereto.

Canvass.

2366. The district board of each district shall declare the returns of the election in the district, and shall certify the results to the board of supervisors of the county in which all the districts, or the greater portion of the land in the districts, is situated.

Consolidation
by election.

2367. If a majority of the votes in each district are in favor of consolidation, the board of supervisors shall:

(a) Enter an order to that effect in its minutes.

(b) Transmit a certified copy of the order to the board of supervisors of any other county in which any portion of the proposed consolidated district is situated.

(c) Record a copy in the office of the county recorder of each of the counties in which any portion of the proposed consolidated district is situated.

(d) File a copy in the office of the Secretary of State.

Effective
date.

2368. After the transmission, recording, and filing of the order, the territory in the districts entering into the consolidation proposal forms a single consolidated district.

2369. After the consolidation the district board of the consolidated district shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district originally formed with boundaries embracing the territory within the district. Board of consolidated district.

2370. The members of the district boards of the several districts consolidated who are in office at the time of consolidation shall continue to serve as members of the board of the consolidated district during the remainder of the terms for which they were appointed. Members.

2371. The original resolution proposing a consolidation shall specify a name for the consolidated district. Name.

2372. A consolidated district has all the rights, powers, duties, privileges, and obligations of a new district formed under the provisions of this chapter. Powers.

2373. If at the time of a consolidation there is outstanding any indebtedness of any former districts included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon the dissolution of a district. Indebtedness paid as in case of dissolution.

2374. A consolidated district shall not be liable for any indebtedness of any former districts included in it which was outstanding at the time of consolidation. Indebtedness not that of consolidated district.

2375. No property in any of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of the consolidation. Property not liable.

Article 8. Dissolution.

2390. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors in the district at an election called by the district board upon the question. The proposition shall be submitted as follows: "Shall the district be dissolved?", or words equivalent thereto. Vote required.

2391. Notice of the election shall be published for at least four weeks prior to the election in the district. Notice.

2392. If two-thirds of the votes at the election are in favor of the dissolution, the district board shall certify that fact to the Secretary of State. Upon receipt of the certificate, the Secretary of State shall issue his certificate reciting that the district (naming it) has been dissolved, and shall transmit to and file a copy with the county clerk of each county in which any portion of the district is situated. Certificate of dissolution.

Effective
date.

2393. After the date of the certificate of the Secretary of State, the district is dissolved.

Property
in unin-
corporated
territory.

2394. If the district at the time of dissolution was in unincorporated territory in one county, its property vests in the county.

Property
in city.

2395. If the district at the time of dissolution was situated wholly within the boundaries of a single city, its property vests in the city.

Property
in unin-
corporated
territory of
two or more
counties.

2396. If the district comprised unincorporated territory alone situated in two or more counties, its property vests in the counties in proportion to the assessed value of the district's property in each county as shown upon the last equalized county assessment roll.

Unincorpo-
rated and
incorporated
territory.

2397. If the district comprised both incorporated and unincorporated territory, its property vests in each city and each county in the territory in proportion to the assessed value of the district's property in the city or county as shown upon the last equalized county assessment-rolls. However, any real property, easements, or rights of way vest in:

(a) The city in which they are situated, if situated in incorporated territory.

(b) The county in which they are situated, if situated in unincorporated territory.

Indebted-
ness.

2398. If at the time of the election to dissolve a district there is outstanding any indebtedness of the district, the vote to dissolve the district dissolves it for all purposes except the levy and collection of taxes for the payment of the indebtedness, and for the payment of expenses in assessing, levying, and collecting taxes.

Until the indebtedness is paid, the board of supervisors of the county in which the greater portion of the district was situated shall act ex officio as the district board and shall levy taxes and perform such functions as may be necessary in order to pay the indebtedness.

CHAPTER 6. QUARANTINE OF DISEASES.

Article 1. Definitions.

"Health
officer."

2500. "Health officer," as used in this chapter, includes county, town, city, and district health officers, and city and district health boards, but does not include advisory health boards.

Article 2. Functions of State Department.

Places of
quarantine.

2521. The State department may establish and maintain places of quarantine or isolation.

2522. The State department may quarantine, isolate, inspect, and disinfect persons, animals, houses, rooms, other property, places, cities, or localities, whenever in its judgment such action is necessary to protect or preserve the public health.

Persons
and objects.

2523. The State department may destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, which, in its judgment, are an imminent menace to the public health.

Destruction
of objects.

2524. Upon being informed by a health officer of any contagious, infectious, or communicable disease the State department may take such measures as are necessary to ascertain the nature of the disease and prevent its spread. To that end, the State department may, if it considers it proper, take possession or control of the body of any living person, or the corpse of any deceased person.

Additional
measures.

Article 3. Functions of Health Officers.

2554. Each health officer and coroner, knowing or having reason to believe that any case of cholera, plague, yellow fever, malaria, leprosy, diphtheria, scarlet fever, smallpox, typhus fever, typhoid fever, paratyphoid fever, anthrax, glanders, epidemic cerebro-spinal meningitis, tuberculosis, pneumonia, dysentery, erysipelas, uncinariasis or hookworm, trachoma, dengue, tetanus, measles, German measles, chickenpox, whooping cough, mumps, pellagra, beriberi, Rocky Mountain spotted (or tick) fever, syphilis, gonococcus infection, rabies, poliomyelitis, or any other contagious or infectious disease exists, or has recently existed, within the territory under his jurisdiction, shall take such measures as may be necessary to prevent the spread of the disease.

Duty to
prevent
spread of
certain
diseases.

2555. Every health officer shall enforce all orders, rules, and regulations concerning quarantine prescribed or directed by the State department.

Enforcement
of laws
and rules.

2556. Each health officer, whenever required by the State department, shall establish and maintain places of quarantine or isolation that shall be subject to the special directions of the State department.

Places of
quarantine.

2557. No quarantine shall be established by a county or city against another county or city without the written consent of the State department.

Quarantine
against
another city
or county.

2558. Whenever in the judgment of the State department it is necessary for the protection or preservation of the public health, each health officer shall, when directed by the State department, do the following:

Instructions
of State
department.

(a) Quarantine and disinfect persons, animals, houses or rooms, in accordance with general and specific instructions of the State department.

(b) Destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is, in the judgment of the State department, an imminent menace to the public health.

Compensation for destroyed property.

When property is destroyed pursuant to this section, the governing body of the locality in which the destruction occurs may make adequate provision for compensation in proper cases for those injured thereby.

Quarantine.

2559. Upon receiving information of the existence of: Asiatic cholera, yellow fever, typhus fever, plague, smallpox, scarlet fever, diphtheria, or any other contagious, infectious, or communicable disease that the State department may from time to time declare quarantinable, each health officer shall:

(a) Quarantine each case.

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the State department, in carrying out the quarantine.

Report of quarantine.

2560. Each health officer who establishes any quarantine shall promptly transmit to the State department a copy of all quarantine rules, orders, and regulations, and of all subsequent changes in them, adopted by him.

Notice of quarantine.

2561. When all or any part of a building, house, structure, tent, or other place is quarantined because of a contagious, infectious, or communicable disease, the health officer shall fasten firmly on its most conspicuous part a yellow placard, upon which shall be printed the following words:

"Keep out. These premises have been quarantined by order of the ----- Note—Under the provisions of the Health and Safety Code of the State of California anyone entering or leaving these premises without the permission of the health officer is guilty of a misdemeanor."

The word "quarantined" shall be printed in plain and legible letters at least two and one-half inches in height.

The placard shall not be removed except by the health officer, nor shall it be defaced or obscured.

Quarantine rules.

2562. When quarantine is established by a health officer, all persons shall obey his rules, orders, and regulations.

Obedience to quarantine.

2563. A person subject to quarantine, residing or in a quarantined building, house, structure, or tent, shall not go beyond the lot upon which the building, house, structure, or tent is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the health officer and the physician. The health officer main-

taining the quarantine shall appoint, or have appointed, a suitable person to perform necessary outside services for the necessary wants of the persons quarantined. The person appointed shall not enter the building, house, structure, or tent, nor shall he come in personal contact with any of the persons quarantined. He shall leave at the entrance of the building, house, structure, or tent, or at such other place as may be designated by the health officer, all articles that he may bring thereto. He shall strictly observe the orders of the health officer.

2564. No instructor, teacher, pupil, or child affected with any contagious, infectious, or communicable disease that is quarantined, or that is subject to being quarantined or reported, or who resides in any house, building, structure, tent, or other place where the disease exists or has recently existed, shall be permitted by any superintendent, principal, or teacher of any college, seminary, or public or private school to attend the college, seminary, or school, except by the written permission of the health officer.

Exclusion of diseased person from school.

2565. No quarantine shall be raised until every exposed room, together with all personal property in the room, has been thoroughly disinfected, or, if necessary, destroyed, by or under the direction of the health officer; and until all persons quarantined have taken a thorough antiseptic bath and have put on clothing free from contagion.

Disinfection.

2566. No milk man shall remove milk bottles or other receptacles for milk from any building, house, structure, tent, or other place in which a contagious, infectious, or communicable disease exists or has existed, nor from any place within any quarantined district, nor at any time after a quarantine has been removed, without the written permission of the health officer; and until the milk bottles or other receptacles have been disinfected and cleaned to the satisfaction of that officer.

Removal of milk bottles from quarantined area.

2567. It is unlawful for any milkman, milk dealer, or milk distributor in whose house any case of cholera, typhus fever, plague, scarlet fever, diphtheria, membranous croup, leprosy, anthrax, glanders, cerebro-spinal meningitis, whooping cough, typhoid fever, dysentery, trachoma, or tetanus exists, to continue the sale or distribution of milk until the health officer has appointed, at the expense of the county where the milkman, dealer, or distributor lives, a person to superintend his dairy, or other place where or from which he sells, delivers, or distributes milk, and all his cows, bottles, vessels, and milk utensils. The person appointed shall strictly require that any person attending to the cows, dairy, sheds, milk cans, bottles, vessels, and milk utensils, shall not have access to, nor have any communication with the persons who reside in, the

Person from quarantined place not to deal in milk.

infected house, except with the permission and under the inspection of the health officer.

Reports. 2568. In case of a local epidemic of disease, the health officer shall report at such times as are requested by the State department all facts concerning the disease, and the measures taken to abate and prevent its spread.

Telegraphic reports. 2569. Each health officer shall immediately report by telegraph to the State department every discovered or known case of plague, Asiatic cholera, yellow fever, or typhus fever. Within twenty-four hours after investigation he shall report the cause, source, and extent of contagion and infection, and all acts done and measures adopted. He shall also make such further reports as the State department may require.

Report of new cases. 2570. Each health officer placing any case under quarantine shall, within twenty-four hours thereafter, report it fully, in writing, to the State department.

Reportable diseases. 2571. The following shall be properly reported in writing to the State department by the health officer:

Chicken-pox, erysipelas, pneumonia, epilepsy, uncinariasis, or hookworm, epidemic cerebro-spinal meningitis, trachoma, whooping-cough, mumps, dengue, dysentery, tuberculosis, typhoid fever, tetanus, malaria, leprosy, measles, German measles, glanders and anthrax affecting human beings, rabies, pellagra, beri-beri, syphilis, gonococcus infection, poliomyelitis, and any other disease which appears to have become epidemic.

This list of reportable diseases may be changed at any time by the State department.

When to be quarantined. The diseases enumerated in this section, and such others as from time to time may be added by the State department, shall be quarantined whenever in the opinion of the State department that action is necessary for the protection of the public health, and shall be isolated whenever in the opinion of the department or health officer, isolation is necessary for the protection of the public health.

(Amended by Stats. 1939, Ch. 375.)

[ORIGINAL SECTION.]

2571. The following shall be properly reported in writing to the State department by the health officer:

Chicken-pox, erysipelas, pneumonia, uncinariasis or hookworm, epidemic cerebro-spinal meningitis, trachoma, whooping-cough, mumps, dengue, dysentery, tuberculosis, typhoid fever, tetanus, malaria, leprosy, measles, German measles, glanders and anthrax affecting human beings, rabies, pellagra, beri-beri, syphilis, gonococcus infection, poliomyelitis, and any other disease which appears to have become epidemic.

This list of reportable diseases may be changed at any time by the State department.

The diseases enumerated in this section, and such others as from time to time may be added by the State department, shall be quarantined whenever in the opinion of the State department that action is necessary for the protection of the public health, and shall be isolated whenever in the opinion of the department or health officer, isolation is necessary for the protection of the public health.

2572. Each health officer, other than a county health officer, in the county shall transmit to the county health officer at least weekly in writing a report showing the number and character of infectious, contagious, or communicable diseases reported, and their location. Written report.

2573. All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees, and persons living, or visiting any sick person, in any hotel, lodging house, house, building, office, structure, or other place where any person is ill of any infectious, contagious, or communicable disease, shall promptly report that fact to the health officer, together with the name of the person, if known, the place where he is confined, and the nature of the disease, if known. Report to health officer.

2574. Unless otherwise directed by the State department, sections 2559, 2561 to 2563, inclusive, 2565 to 2567 inclusive, and 2569 to 2571, inclusive, of this chapter shall be strictly observed in all cases of quarantine. Application of sections to quarantine.

Article 4. Violations.

2600. Any person who, after notice, violates, or who, upon the demand of any health officer, refuses or neglects to conform to, any rule, order, or regulation prescribed by the State department respecting a quarantine or disinfection of persons, animals, things, or places, is guilty of a misdemeanor. Penalty for violation of rule.

2601. Except in the case of the removal of an afflicted person in a manner the least dangerous to the public health, any person afflicted with any contagious, infectious, or communicable disease who wilfully exposes himself; and any person who wilfully exposes another person afflicted with such disease in any public place or thoroughfare is guilty of a misdemeanor. Wilful exposure.

2602. Any person who violates any section in article 3 of this chapter, with the exception of 2555, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for a term of not more than ninety days, or by both. He is guilty of a separate offense for each day that the violation continues. Penalty.

CHAPTER 8. PEST ABATEMENT DISTRICTS.

Article 1. Definitions and General Provisions.

2800. "Pest," as used in this chapter includes any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, and is not protected under any other provision of law, and includes any plant that "Pest."

is detrimental to the agricultural industry of the State, both on cultivated lands and on grazing areas.

Supplemen- 2801. This chapter is supplemental to any other provision
tary to of law relating to the abatement of pests or nuisances.
other laws.

"District." 2802. "District," as used in this chapter, means any pest
abatement district formed pursuant to this chapter or pur-
suant to any law which it supersedes.

Article 2. Formation.

Petition. 2822. The organization of a pest abatement district may
be initiated by a petition, describing the exterior boundaries
of the proposed district, and the nature of the pest or pests to
be controlled or abated.

Rate of 2823. The petition may fix the maximum rate of assess-
assessment. ments that may be levied by the district.

Requirements 2824. The petition shall be signed by registered voters
of petition. residing in the proposed district equal in number to ten per
cent of the votes cast in the proposed district for Governor
at the last preceding gubernatorial election. The petition may
consist of any number of separate instruments, which shall be
duplicates, except for the signatures and addresses of the
signers. Each person who signs the petition shall also state
his address.

Signatures. 2825. The petition shall be presented to the clerk of the
county in which the land in the proposed district is situated.
The clerk shall compare the signatures on the petition with
the signatures of the registered voters on his records for the
purpose of ascertaining whether the petition meets the signa-
ture requirements of this article.

Supple- 2826. If the petition lacks sufficient signatures the county
mentary clerk shall certify that fact, and at any time within sixty days
petition. thereafter additional signatures may be presented to supple-
ment the signatures on the original petition. The additional
signatures shall be compared by the clerk in the same manner
as the original signatures. If sufficient additional signatures
are not presented, proceedings under the petition shall be
terminated, without prejudice to the right to file a new
petition.

Certificate of 2827. If the petition contains the requisite number of
sufficiency. signatures the clerk shall make a certificate to that effect, and
shall present the petition and his certificate to the board of
supervisors.

2828. If the board of supervisors finds that the petition has been properly presented, the board shall, by resolution, fix a time for hearing the petition, which shall be not less than two nor more than five weeks from the time of its presentation. It shall also publish a notice of the time and place of the hearing in a newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of the hearing.

Notice of
hearing.

2829. At the time of the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and consider all competent and relevant testimony or evidence offered in support of or in opposition to the formation of the district.

Hearing.

2830. The board of supervisors may make such changes in the proposed boundaries of the district as it may consider advisable. It may exclude any land in the proposed district upon the application of the owner, or it may include any land outside and contiguous to the proposed district upon the application of the owner, if it determines that the exclusion or inclusion is proper.

Changes in
boundaries.

2831. If, upon the hearing, the board of supervisors determines that the public interest or welfare of the proposed territory and its inhabitants requires the formation of the district, it shall, by resolution, declare its findings and order that the territory within the boundaries determined by it is a district, under an appropriate name to be selected by it.

Order.

2832. The clerk of the board of supervisors shall immediately file a certified copy of the order in the office of the county recorder in which the district is situated and with the Secretary of State. The district is then formed as a pest abatement district, with all of the rights, privileges, and powers set forth in this chapter, and those necessarily incident thereto.

Effect.

Article 3. Administration.

2850. Within thirty days after incorporation the board of supervisors shall appoint a board of trustees, consisting of five members, to act as the governing body of the district.

Board.

2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in the performance of their official duties.

Term. Com-
pensation.

2852. The district board may take all necessary or proper steps for the extermination of the pest or pests mentioned in

Purpose of
district.

the petition for the organization of the district, subject to the control of city or other public authorities having jurisdiction in the matter.

Powers.

2853. The district board may:

- (a) Purchase supplies and other personal property.
- (b) Employ necessary labor.
- (c) Acquire by purchase, condemnation, or otherwise, in the name of the district, any lands, rights of way, easements, or other real property necessary for the district.
- (d) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this chapter or of powers incident thereto.
- (e) Sue and be sued.
- (f) Do everything necessary to carry out the powers conferred by this chapter and carry out the objects of the formation of the district.

Article 4. Taxation.

Estimate
of funds
needed.

2870. The district board shall annually before the tenth day of July file with the board of supervisors of the county in which the district is situated an estimate of the amount of money necessary for the purposes of the district during the ensuing fiscal year.

Levy of tax.

2871. The board of supervisors shall levy, annually, a tax sufficient to raise the amount required for the purposes of the district. The rate shall be uniform and based on area of land, regardless of assessed valuation. The county assessor of each county shall prepare an assessment roll showing the names and addresses and the acreage owned by each person owning land within a district, which roll shall be the basis for the tax provided for herein. If the rate has been fixed by the organization petition, the rate fixed by the board shall not exceed that rate.

(Amended by Stats. 1939, Ch. 449.)

[ORIGINAL SECTION.]

2871. The board of supervisors shall levy, annually, a tax sufficient to raise the amount required for the purposes of the district. It shall determine the rate of the tax by deducting fifteen per cent from the total assessed value of the taxable property of the district appearing upon the assessment roll and then dividing the amount required by the remainder of the assessed value. If the rate has been fixed by the organization petition, the rate fixed shall not exceed that rate.

Collection
of tax.

2872. All taxes levied under this chapter shall be assessed and collected at the same time and in the same manner as other taxes are collected for county purposes, and shall be paid into the county treasury to the credit of the district.

2873. The funds of the district shall be withdrawn from the treasury upon the warrant of the district board.

Withdrawal of funds.

2874. The board of supervisors, from time to time, may order a temporary transfer of money from other available funds in the county treasury to the credit of the district fund. The transfer shall be made only upon resolution adopted by the board of supervisors directing the treasurer to make the transfer. It shall not exceed eighty-five per cent of the taxes accruing to the district, and shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year. Any funds transferred shall be replaced from the taxes accruing to the district before any other obligation of the district is met from those taxes.

Transfer of funds.

Article 5. Annexation.

2900. At any time after the incorporation of a district, land contiguous to it may be annexed upon a petition of the owner, if the board of supervisors finds that the annexation will benefit both the land to be annexed and the district.

Annexation.

Article 6. Dissolution.

2920. Upon the application of registered voters in the district equal to the number required for a petition to initiate proceedings for the formation of the district, the board of supervisors may, after notice of hearing published in the manner prescribed in this chapter for the notice of a hearing on the organization petition, dissolve the district, if it appears to the board that the dissolution is proper. The dissolution of a district shall not have any effect on any taxes previously levied.

Petition.

2921. Upon the dissolution the board of supervisors shall succeed to all the powers and jurisdiction of the district board for the purpose of winding up the affairs of the district. It may continue to levy such taxes as are necessary in winding up the affairs of the district.

Ex-officio board.

2922. No district shall be finally dissolved until all outstanding obligations of the district, including the repayment of funds transferred to the credit of the district from other funds of the county, have been fully paid and discharged.

Obligations.

DIVISION IV. TUBERCULOSIS.

CHAPTER 1. PREVENTORIA.

3099. Pulmonary tuberculosis is an infectious and communicable disease, dangerous to the public health, and all proper expenditures that may be made by any county, pur-

Expenditures declared proper.

suant to this chapter, are necessary for the preservation of the public health of the county, within the meaning of sections 450 to 456.

Subsidy.

3100. Each city, county, or group of counties which maintains a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis and maintains a preventorium in conjunction therewith, shall receive from the State the sum of three dollars per week for each patient cared for in the preventorium at public expense who:

- (a) Is susceptible to tuberculosis.
- (b) Is unable to pay for his support.
- (c) Has no relative legally liable and financially able to pay for his support.
- (d) Has been for one year a bona fide resident of the city, county, or of one of the counties of the group of counties.
- (e) Is a citizen of the United States.

No city, county, or group of counties shall be entitled to receive the State aid unless the tuberculosis preventorium conforms to the regulations of, and is approved by, the State department.

(Amended by Stats. 1939, Ch. 1070.)

[ORIGINAL SECTION.]

3100. Each city, county, or group of counties which maintains a tuberculosis ward or hospital for the treatment of persons in the active stages of tuberculosis and maintains a preventorium in conjunction therewith, shall receive from the State the sum of three dollars per week for each patient cared for in the preventorium at public expense who:

- (a) Is susceptible to tuberculosis.
- (b) Is unable to pay for his support.
- (c) Has no relative legally liable and financially able to pay for his support.
- (d) Has been for one year a bona fide resident of the city, county, or of one of the counties of the group of counties.
- (e) Is a citizen of the United States.

No city, county, or group of counties shall be entitled to receive the State aid unless the tuberculosis preventorium conforms to the regulations of, and is approved by, the State department.

Reports.

3101. The medical superintendent of each preventorium receiving State aid under this chapter shall render semi-annually to the State department a report under oath showing for the period covered by the report:

- (a) The number of persons susceptible to tuberculosis cared for at public expense and unable to pay for care.
- (b) The number of weeks each such patient has been treated.

CHAPTER 2. HOSPITALS.

Subsidy.

3300. Each city, county, or group of counties may establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis. Each city, county, or group of counties that establishes and maintains a tuberculosis ward or hospital shall receive from the State the sum of three dollars per week for each person suffering from tuberculosis, cared for therein at public expense, who

is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of the State for one year; except that the city, county, or group of counties is not entitled to receive this State aid unless the tuberculosis ward or hospital conforms to the regulations of and is approved by the Bureau of Tuberculosis.

The hospitals shall be allowed to receive pay patients. Pay patients.
(Amended by Stats. 1939, Ch. 1070.)

[ORIGINAL SECTION.]

3300. Each city, county, or group of counties may establish and maintain a tuberculosis ward or hospital for the treatment of persons in the active stages of tuberculosis. Each city, county, or group of counties that establishes and maintains a tuberculosis ward or hospital shall receive from the State the sum of three dollars per week for each person suffering from tuberculosis, cared for therein at public expense, who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of the State for one year; except that the city, county, or group of counties is not entitled to receive this State aid unless the tuberculosis ward or hospital conforms to the regulations of and is approved by the bureau of tuberculosis.

The hospitals shall be allowed to receive pay patients.

3301. The medical superintendent of each hospital receiving State aid under this chapter shall render semiannually to the bureau of tuberculosis a report under oath showing, Reports.
for the period covered by the report:

- (a) The number of patients suffering from tuberculosis cared for at public expense, and unable to pay for care.
- (b) The number of weeks of treatment of each such patient.

With the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged through the bureau of tuberculosis without expense to the county except for transportation when the exchange seems necessary or desirable to assist in the patients' recovery. Exchange of patients.

3302. Each group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of supervisors, one supervisor as a delegate, who shall attend the general meetings of the delegates of each county in the group. The necessary expense incurred in attending such meetings is a county charge. The body thus formed shall be called the hospital central committee. Hospital central committee.

3303. Each group of counties maintaining a tubercular hospital under this chapter may by unanimous agreement provide for a different number of delegates to the hospital central committee than the number provided for in this chapter and may provide for a method of deciding a tie vote of the hospital central committee. Number of delegates.

3304. The hospital central committee shall designate a county within the group maintaining the hospital as the place Depository.

where the business of the hospital is to be transacted and where funds of the hospital are to be kept and deposited. All county officers selected for the business of the hospital shall render all necessary assistance required by the committee in keeping with the duties of their respective offices.

Cost.

3305. The delegates from each county may enter into an agreement with delegates from the other counties, on behalf of the county appointing them, binding the county to the joint enterprise and apportioning the cost of constructing, establishing, and maintaining the hospital. Money due from any county under the agreement may be collected by the hospital central committee or, on its behalf, by the board of supervisors of any county in the group, by action in the county in which the hospital is situated.

Building
committee.

3306. The hospital central committee may appoint a committee to supervise the construction of the hospital, approve the bills, and do the usual things required of a building committee.

Powers of
hospital
central
committee.

The hospital central committee is the governing body of the hospital. It has the same powers and duties in regard to the hospital that a board of supervisors has over a county hospital. It shall adopt rules for its government, which shall include provisions for holding meetings and for the addition of other counties to the group. It may appoint such committees as are necessary, and shall prescribe their duties.

Land.

3307. Any land required may be acquired or disposed of by the hospital central committee in such manner as may be determined by a three-fourths vote of its members, if all counties comprising a group shall have had notice of the intention to acquire or dispose of the land. Title to land may be held in the name of the entire group or in the name of any county composing the group, as trustee for the use and benefit of all, as may be determined by the hospital central committee.

Expenses.

3308. Each county in the group shall pay its proportionate share to the hospital central committee of an amount designated by the committee to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the expenses of the hospital shall be sent to the board of supervisors of each county, together with a claim for its proportionate share of the expenses. The amounts when collected shall be paid into the cash revolving fund.

Admission
of patients.

3309. The hospital central committee may determine and pass upon the right of admission to the hospital of applicants, subject to the limitations of this chapter.

CHAPTER 3. CONVALESCENT COLONIES.

(Ch. 3 added by Stats. 1939, Ch. 919.)

3325. Each city, city and county, county or group of ^{Subsidy.} counties which maintains a convalescent colony for the care and treatment of persons suffering from tuberculosis shall receive from the State the sum of \$3 per week for each person suffering from tuberculosis, cared for in the convalescent colony at public expense, who is unable to pay for his own support and who has no relative legally liable and financially able to pay for his support, and who has been a bona fide resident of the State for one year.

No city, city and county, county or group of counties shall be entitled to receive the State aid unless the convalescent colony conforms to the regulations of, and is approved by the Bureau of Tuberculosis in the Department of Public Health.
(Added by Stats. 1939, Ch. 919.)

3326. The superintendent of each convalescent colony ^{Reports.} receiving State aid under this chapter, shall render semi-annually to the Bureau of Tuberculosis in the Department of Public Health a report under oath showing for the period covered by the report:

- a. The number of persons suffering from tuberculosis cared for therein at public expense and unable to pay for their care.
- b. The number of weeks each such person has been cared for.

(Added by Stats. 1939, Ch. 919.)

CHAPTER 4. PAYMENT AND EXPENDITURES OF SUBSIDY FUNDS.

(Ch. 4 added by Stats. 1939, Ch. 919.)

3340. In order to be eligible to receive State funds made ^{Fund.} available by this division on or after July 1, 1940, the governing body of each city, county, city and county, or group of counties entitled thereto shall establish a "special tuberculosis subsidy fund."

(Added by Stats. 1939, Ch. 919.)

3341. All amounts paid to any city, county, city and county ^{Use of fund.} or group of counties in accordance with the provisions of this division shall be deposited in the "special tuberculosis subsidy fund." Such moneys shall be expended by the city, county, city and county or group of counties receiving it exclusively for the care and treatment of persons suffering from tuberculosis, and in the maintenance, construction or acquisition of facilities or supplies necessary for the care and treatment of such persons.

(Added by Stats. 1939, Ch. 919.)

Cause for
denial of
subsidy.

3342. The failure to comply with any of the provisions of this chapter shall constitute sufficient reason to deny further payments of State funds accruing to any city, county, city and county or group of counties under this division.

(Added by Stats. 1939, Ch. 919.)

DIVISION V. SANITATION.

PART 1. SANITARY PROVISIONS.

CHAPTER 1. COMMON DRINKING CUPS.

Common
drinking
cups.

3700. No person conducting, having charge of, or control of, any hotel, restaurant, saloon, soda fountain, store, theater, public hall, public or private school, church, hospital, club, office building, park, playground, lavatory or washroom, barber shop, railroad train, boat, or any other public place, building, room, or conveyance, shall provide or expose for common use, or permit to be so provided or exposed, or allow to be used in common, any cup, glass, or other receptacle used for drinking purposes.

"Common
use."

Sterilization.

3701. For the purposes of this chapter the term "common use" when applied to a drinking receptacle is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized in boiling water or steam between consecutive uses thereof; except, that the State Department of Public Health may prescribe other acceptable methods of sterilization that may be used in place of the methods specified in this chapter.

Water
containers.

3702. No cask, water cooler, or other receptacle shall be used for storing or supplying drinking water to the public or to employees unless it is covered and protected so as to prevent persons from dipping the water therefrom or contaminating the water. All containers shall be provided with a faucet or other suitable device for drawing the water; except that jugs, cans, buckets, and similar receptacles without faucets or other devices for withdrawing water may be used if the water is protected against contamination and is withdrawn by pouring only.

Enforcement.

3703. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.

Penalties.

3704. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars for each offense.

CHAPTER 2. INFECTED PACKING MATERIALS.

3750. For the purpose of this chapter the term "filthy, contaminated, or unsanitary packing material" includes any or all of the following:

"Filthy, contaminated or unsanitary packing material."

- (a) Packing material that has been exposed to contagious or infectious disease.
- (b) Material that is contaminated with vermin.
- (c) Material that is generally filthy.
- (d) Filthy or used wood excelsior.
- (e) Excelsior made from filthy or used paper.

3751. Unsanitary packing material shall not be used until it has been cleaned and disinfected to the satisfaction of the State Department of Agriculture, State Department of Public Health, or the agents of either or both, or by a county health officer.

Disinfection.

3752. The person having such material cleaned and disinfected shall pay the costs of the inspection.

Costs of inspection.

3753. Every person who knowingly packs any goods intended for delivery to other parties or for transportation by common carriers with unsanitary packing material is guilty of a misdemeanor.

Penalty.

CHAPTER 3. COMMON TOWELS.

3800. No person conducting, operating, or having charge or control of, any hotel, restaurant, factory, store, barber shop, office building, school, public hall, railroad train, railway station, boat, or any other public place, room, or conveyance, shall maintain or keep in or about any such place any towel for common use.

Towel for common use forbidden.

3801. For the purpose of this chapter the term "common use" when applied to a towel means its use by, or for, more than one person without its being laundered by a process involving exposure to boiling water or steam between consecutive uses of such towel; except that the State Department of Public Health may prescribe other acceptable methods of sterilization that may be used in place of the methods specified in this chapter.

"Common use."

3802. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.

Enforcement.

3803. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars for each offense.

Penalty.

CHAPTER 4. WIPING RAGS.

Article 1. Use of Wiping Rags.

"Wiping
rags."

3900. "Wiping rags," as used in this chapter means cloths and rags used for any or all of the following purposes:

(a) Wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture, and surfaces of articles, appliances, and engines in factories, shops, steamships, and steamboats.

(b) Generally for cleaning in industrial employment.

(c) Used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

Steril-
ization.

3901. No person shall supply or furnish to his employees for wiping rags, or sell or offer for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bed clothes, bedding, or soiled rags or cloths unless they have been sterilized by a process of boiling for forty minutes in a solution containing five per cent of caustic soda, and unless before such boiling, the sleeves, legs, and bodies of garments are ripped and made into flat pieces.

Enforcement.

3902. Every peace officer, health officer, or health inspector, upon proper demand and notice of his authority, may, during business hours, enter any place where wiping rags are used, are kept for sale, or offered for sale, and inspect the wiping rags. No person shall refuse to permit the inspection, or impede or obstruct the officer during the inspection.

Article 2. Regulation of Wiping Rag Business.

Permit.

3950. Each county or city may regulate the business of laundering, sterilizing, or selling wiping rags by enacting ordinances prohibiting the laundering, sterilizing, and sale, and offering for sale, of wiping rags, or cloth material for wiping rags, without a permit issued by the board of supervisors of the county, or board of health or health officer of the city, and providing for the issuance of certificates of inspection of wiping rags offered for sale.

Revocation.

3951. The permit shall be granted as of course on a first application, and may be revoked by the board or officer authorized to issue it for a violation of this chapter or the applicable ordinance by the holder of the permit.

Register.

3952. The board, department, or officer authorized to issue permits to launder, sterilize, or sell wiping rags shall keep a record of revocation of permits and a register of:

(a) The names and places of business of persons to whom permits are issued.

(b) The date of issue and number of each permit.

3953. Before being sold or offered for sale, each package or parcel of wiping rags shall be plainly marked "sterilized wiping rags," and in addition it shall be plainly marked: Marking.

(a) With the number and date of permit given for the conducting of the laundry in which the rags contained in the package or parcel were laundered and sterilized, and the name of the board or officer issuing the permit; or

(b) With the name and location of the laundry in which the rags were laundered and sterilized.

3954. No person shall wash, cleanse, or launder soiled rags or soiled cloth material for wiping rags by the same machinery or appliances by which clothing and articles for personal wear or household use are laundered. Laundering.

Article 3. Offenses.

3960. Every person who violates any provision of this chapter is guilty of a misdemeanor. Penalty.

CHAPTER. 5. (Repealed by Stats. 1939, Ch. 114.)

[ORIGINAL CHAPTER.]

CHAPTER 5. LAUNDERING OF INFECTED CLOTHING.

3975. Every person who conducts a public laundry within any city or city and county and receives any linen, clothing, bedding, or other articles for the purpose of cleaning them, from any hospital, pesthouse, or sanitarium where contagious or infectious diseases are treated, or from any undertaking establishment, public morgue, or any public pesthouse is guilty of a misdemeanor.

CHAPTER 6. ICE.

4000. No person shall make ice from, or cut natural ice in, impure or polluted water or source of water. Ice made or cut from polluted water.

No person shall make ice from, or cut natural ice in, any water, or source of water, after notice from the department that the water or source of water, is impure or polluted.

No person shall offer for sale or sell for public use or consumption ice made or cut in violation of this section.

4001. A person shall keep ice intended for public use or consumption in a place that meets all of the following requirements: Storage of ice.

(a) Clean and free from all filth, offal, refuse, and polluted waters.

(b) Separate and removed from contact with animal or vegetable matter.

(c) Not in proximity to any cesspool, privy vault, or sewer.

(d) Where the ice is not subject to contamination from, or the action of, acids or oils, or noxious, offensive, or injurious gases, smoke, or vapors.

All ice kept or stored in violation of this section is deemed polluted ice and not fit for human consumption. No person shall sell such polluted ice.

Transporta-
tion of ice.

4002. In the transportation of ice intended for public use or consumption, care shall be taken to prevent its contact with filth, offal, or other refuse, and to prevent its contamination by animal or vegetable matter, and to prevent its contamination by offensive or noxious oils, acids, or other substances injurious, dangerous, or offensive to health.

Sale of ice.

4003. No person shall sell for public use or consumption, any of the following:

(a) Ice that has been used for the cooling of malt, vinous or spirituous liquors, or for the refrigeration of butter, milk, meat or any animal or vegetable matter or substances.

(b) Ice that has been taken from any asylum, hospital, sanitarium, sick room, slaughterhouse, or any place where human or animal remains have been kept or deposited.

Inspection.

4004. Any health officer or inspector, upon demand and notice of his authority, may, during reasonable hours, enter and inspect the ice, equipment, premises, sources of supply, and places of storage used by any person for storing or selling ice for human use or consumption.

No person shall interfere with or refuse to permit the inspection.

Penalty.

Violation of this section is a misdemeanor.

Penalty.

4005. Violation of a rule, order, or regulation of the State Department of Public Health for the prevention of the pollution of ice or the sale or disposition of polluted ice offered, kept, or intended for public use or consumption, is a misdemeanor.

PART 2. GARBAGE AND REFUSE DISPOSAL.

CHAPTER 1. GARBAGE DISPOSAL DISTRICTS.

Article 1. Definitions.

"District."

4100. "District," as used in this chapter, means a district formed pursuant to this chapter or pursuant to any law which it supersedes.

Article 2. Formation.

Formation.

4105. Any portion of a county, whether the portion includes incorporated or unincorporated territory, may be

formed into a garbage disposal district in the manner and under the proceedings in this chapter set forth; except that less than the whole of any city shall not be included in the district without unanimous consent of the governing body of the city.

Consent
of city.

4106. The board of supervisors may determine by resolution that a portion of the county is in need of facilities for the disposal of garbage and should be formed into a district.

Resolution
of intention.

Thereupon the board of supervisors shall fix a time and a place for a hearing on the matter of the formation of the district, which time shall be not less than three weeks after the adoption of the resolution, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory.

Publication.

4107. The notice shall state the fact that the board of supervisors of the county has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a garbage disposal district.

Time and
place.

4108. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district. So far as practicable the boundaries shall be the center lines of highways.

Description
of territory.

4109. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of the district, or to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district.

Objections.

Hearing.

4110. At the conclusion of the hearing, the board of supervisors shall either adopt an order abandoning the creation of the proposed district or shall by resolution order the matter of the creation of the district, within the boundary lines determined upon at the hearing, to be submitted to the voters registered in the proposed district at an election to be called for that purpose. At the election only voters registered in the proposed district shall be permitted to vote.

Order or
resolution.

4111. Election precincts shall be established by the board, and election boards composed of one inspector, one judge,

Precincts.

Notice.

and one clerk shall be named. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other matters the election shall be conducted in the manner ordered by the board of supervisors.

Formation
upon
election.

4112. If at the election a majority of all those voting upon the question of creation of the district, and a majority of those voting thereon in each city is in favor of the formation of the district, the board of supervisors shall make an order forming the district and thereupon it is formed. The order shall contain the name of the district, and a description of the boundaries, or otherwise indicate its territorial extent. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention, and of the fact of the holding of the hearing on formation.

Article 3. Administration and Powers.

Powers.

4120. The board of supervisors is the governing body of the district and may do any or all of the following:

(a) Make and enforce all rules and regulations necessary for the administration and government of the district, and for the collection and disposal of garbage and other refuse matter in the district.

(b) Appoint agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

(c) Acquire by gift, purchase, condemnation, or otherwise, in the name of the county, and own, control, manage, and dispose of any interest in real or personal property, or, necessary or convenient for the collection and disposal of the garbage or other refuse matter of the district.

(d) Perform all of the acts necessary or proper to accomplish the purposes of this chapter.

Contracts.

4121. The board of supervisors may enter into contracts for the disposal of garbage and other refuse matter. Whenever the board enters into, or renews such a contract, it shall advertise for bids for the performance of the work in a newspaper of general circulation in the county. The advertisement shall be published for at least ten consecutive times in a daily newspaper or for at least two consecutive times in a weekly newspaper. If there is no newspaper of general circulation published in the county, then the notice shall be given by posting in three public places for at least two weeks.

Call for bids.

All bidders shall be afforded opportunity to ascertain the details of the nature of the work to be done under the contract. The contract shall be let to the lowest responsible

Letting
contract.

bidder. If no satisfactory bid is obtained the board may reject all bids.

4122. The title of all property which is acquired for a district vests in the county. Whenever all of the territory in the district is annexed or otherwise included in any city, then the district is dissolved and the property becomes the property of the city. All money in the county treasury to the credit of the district shall upon the annexation or inclusion of the district be forthwith transferred to the treasury of the city and be used only for the purpose for which it was available prior to the transfer. Property.

Article 4. Taxation.

4127. The board of supervisors shall levy a tax each year upon the taxable property in the district sufficient to defray the cost of the disposal of garbage and other refuse in the district, and of the maintenance of the district, and to meet such other expenditures as are authorized by this chapter. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter. Taxation.

Article 5. Annexation.

4135. The boundaries of any district may be altered, and outlying contiguous districts, whether incorporated or unincorporated, may be annexed as provided in this article. Annexation.

4136. A petition signed by fifty or more freeholders in the territory proposed to be annexed, or by a majority of the freeholders if there are less than one hundred within the portion proposed to be annexed, designating the boundaries of the contiguous territory proposed to be annexed and asking that it be annexed to the district, shall be presented to the board of supervisors. Petition.

4137. At its first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is one, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition. Notice.

Upon the date fixed for the hearing, or to which it may be continued, the board of supervisors shall consider the petition, and any objections which may be filed to the inclusion of any property in the district. Hearing.

Order.

4138. The board of supervisors may by order entered on its minutes grant the petition either in whole or in part, and by order entered on its minutes alter the boundaries of the district to annex all, or such portion of the contiguous territory described in the petition as will be benefited by inclusion in the district, and from and after the making of the order, the territory is a part of the district, and shall be taxed, together with the remainder of the district, for all taxes to be thereafter levied by the board of supervisors for the operation and maintenance of the district.

Limitations
on annexa-
tion.

4139. No territory which will not be so benefited, or which is not contiguous to the district, or which is not described in the petition, shall be included in the district.

Less than the whole of any city shall not be annexed to the district except by unanimous consent of the governing body of the city.

Article 6. Withdrawal of Territory.

Withdrawal.

4143. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom as provided in this article.

Petition.

4144. Upon receiving a petition signed by fifty or more freeholders in the portion desired to be withdrawn from any district, or by a majority of the freeholders, if there are less than one hundred freeholders in the portion sought to be withdrawn, requesting the withdrawal of that portion from the district on the ground that it will not be benefited by remaining in the district, the board of supervisors shall fix for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a garbage disposal district a time that shall not be less than ten days, nor more than thirty days after the receipt of the petition.

Notice.

4145. The board of supervisors shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district that the board deems most likely to give notice to the inhabitants of the portion of the district proposed for withdrawal.

Hearing.

4146. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon them. If it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a garbage disposal district, then it shall grant the petition.

Order

4147. Upon the withdrawal of any territory from a district, as in this chapter provided, all property acquired for the district shall remain vested in the county and be used for the purpose of the district; except, that if the territory sought to be withdrawn from the district includes any incorporated territory, then a part of the money in the county treasury to the credit of the fund of the district shall be paid over to the city in accordance with the ratio that the territory of the city sought to be withdrawn from the district bears to the territory of the entire district.

Property.

Article 7. Dissolution.

4160. A district may be dissolved by the board of supervisors as provided in this article.

Dissolution.

4161. Upon receiving a petition signed by fifty or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than one hundred freeholders and residents in the district, requesting the dissolution of the district, the board of supervisors shall fix a time for the hearing of the petition, which shall not be less than ten nor more than thirty days after the receipt of the petition, and shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district.

Petition.
Notice.

4162. At the time appointed for the hearing or at any time to which it may be continued, the board of supervisors shall hear and pass upon the petition and may grant or deny it, and its decision thereon is final and conclusive.

Hearing.

4163. If the petition is granted, the board of supervisors shall by resolution order the dissolution of the district and the district is then dissolved, and the property of the district remains the property of the county. Any money remaining in the fund of the district shall be expended in the maintenance and repair of the highways in the district whether such highways at the time of dissolution are in incorporated territory or in unincorporated territory.

Order.

Funds.

CHAPTER 2. FRANCHISE BY COUNTIES.

4200. Every franchise or privilege for the disposal or destruction, or both, of garbage, waste, offal, and debris, shall be granted by the board of supervisors of any county only under the terms and conditions of this chapter.

Franchise.

4201. Any county may, by resolution of the board of supervisors, call for bids for the granting of a franchise, exclusive or otherwise, for the disposal or destruction, or both, of gar-

Resolution
of intention.

bage, waste, offal, and debris, according to the terms and conditions set forth in the resolution, for a period of time not to exceed twenty-five years.

Notice. Thereafter the board of supervisors shall cause to be published once a week for two successive weeks a notice which shall set forth all of the terms and conditions embraced in the resolution and the time, date, and place for the receiving and opening of sealed bids, which shall not be sooner than four full weeks from date of the first publication of the notice.

Bids. Upon examination by the board of supervisors of the bids, the franchise may be awarded to the best bidder. The board of supervisors may postpone the granting of the franchise from time to time until it has had a full and complete opportunity to examine into the merits of each bid.

Bond. 4202. The successful bidder shall file with the board of supervisors, upon grant of the franchise, a bond in favor of the county in an amount and under such terms and conditions as may be prescribed by the board of supervisors.

Additional terms and conditions. 4203. The county may, in the resolution and advertised notice, impose terms and conditions other than those mentioned in this chapter so long as they are not in conflict with the provisions of this chapter.

Conditions, etc., in bid. 4204. A bidder may in his franchise bid set forth such propositions, terms, and conditions as he may desire to offer, or receive the benefit from, which may be in addition to, or in conflict with, those mentioned in the resolution or advertised notice calling for bids, so long as they are not in conflict with the provisions of this chapter.

CHAPTER 3. FUMES ESCAPING FROM BURNING GARBAGE.

Article 1. Cremation of Refuse, Generally.

Application of article. 4300. No person shall operate in any city, city and county, or town any crematory for the destruction by fire heat of garbage, ashes, offal, or other refuse matter, except as provided in this chapter.

Contamination of atmosphere. 4301. No such crematory shall be operated in this State except in such a manner as will prevent the propagation of disease through contamination of the atmosphere of any city, city and county, or town by the gases or fumes arising from the fires or ovens of the crematory.

Penalty. 4302. Every person who burns by fire heat or destroys by cremation any garbage, ashes, offal, or other refuse matter, in violation of the provisions of this article is guilty of a misdemeanor.

Article 2. Cremation of Animal Refuse.

4303. Every person who destroys or who attempts to destroy the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop by fire within one-fourth of a mile of any city, town, or village, except in a crematory, the construction and operation of which is satisfactory to the board of health of the city or the health officer of the town, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Approval of
incinerator.

CHAPTER 4. POLLUTION OF WATERS AND PUBLIC PLACES.

Article 1. Navigable Waters.

4400. For the purpose of this article the term "garbage" "Garbage." includes any or all of the following:

- (a) Garbage.
- (b) Swill.
- (c) Refuse.
- (d) Cans.
- (e) Bottles.
- (f) Paper.
- (g) Vegetable matter.
- (h) Carcass of any dead animal.
- (i) Offal from any slaughter pen or butcher shop.
- (j) Trash.
- (k) Rubbish.

4401. Every person who places, deposits, or dumps any garbage in or upon the navigable waters of this State, or who places, deposits, or loads it upon any vessel, with intent that it shall be dumped or deposited in or upon the navigable waters of this State, or at any point in the ocean within twenty miles of any point on the coast line of the State, is guilty of a misdemeanor

Garbage in
navigable
waters.

4402. Every person in charge of any vessel who permits it to be loaded with any garbage with intent that it shall be dumped or deposited from the vessel in or upon any of the navigable waters of this State, or at any point in the ocean, within twenty miles of any point on the coast line of the State, is guilty of a misdemeanor.

Loading
garbage.

4403. A vessel upon which any garbage has been loaded with the intent that it shall be dumped or deposited upon any of the waters of the ocean where permitted by this article, shall not leave any point within the State unless it shall carry for the entire trip an inspector appointed by the State Department of Public Health, or where the point of departure

Inspector.

is in a city, then by the city. The inspector shall enforce the provisions of this article.

Every person in charge of a vessel which is required to have an inspector on board by this article, and which does not carry an inspector during the entire trip, is guilty of a misdemeanor.

Sewer
systems.

4404. This article shall not be construed to affect the discharge of any sewer system.

Article 2. Water Supply.

Contami-
nation of
water.

4450. No person shall put the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, into any river, creek, pond, reservoir, or stream.

Contami-
nation of
water supply.

4451. No person shall put any water-closet or privy, or the carcass of any dead animal, or any offal of any kind, in, or upon the borders of, any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, in such a manner that the drainage of the water-closet, privy, carcass, or offal may be taken up by or in the water.

Drainage
into water
supply.

4452. No person shall allow any water-closet, privy, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him, in such a manner that the drainage from the water-closet, privy, carcass, or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

Contami-
nation of
water by
live stock.

4453. No person shall keep any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corraled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, in such a manner that the waters become polluted, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

Contami-
nation of
water supply
by live stock.

4454. No person shall cause or permit any horses, cattle, sheep, swine, poultry, or any kind of live stock or domestic animals, to pollute the waters, or tributaries of waters, used or intended for drinking purposes by any portion of the inhabitants of this State.

Bathing in
water supply.

4455. No person shall bathe, except as permitted by law, in any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, or by any other means foul or pollute the waters of any such stream, pond, lake, or reservoir.

4456. Every person who washes clothes in any spring, stream, river, lake, reservoir, well, or other waters which are used or intended for drinking purposes by the inhabitants of the vicinage or of any city, county, or town, of this State, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than ninety days, or a fine of not less than twenty-five nor more than five hundred dollars, or by both such fine and imprisonment.

Washing clothes in water supply.

Each day's violation of this section is a separate offense.

4457. Every person who violates, or refuses or neglects to conform to, any sanitary rule, order, or regulation prescribed by the State Department of Public Health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor.

Penalty.

Article 3. Public Places.

4475. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, any garbage in or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement or license, or on any private property without the consent of the owner, is guilty of a misdemeanor.

Contamination of public places.

(Amended by Stats. 1939, Ch. 535.)

[ORIGINAL SECTION.]

4475. Every person who places the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, upon any street, alley, public highway, or road in common use is guilty of a misdemeanor.

Article 4. Punishment for Violations, Generally.

4485. Violation of any provision of this chapter is a misdemeanor.

Penalty.

(Amended by Stats. 1939, Ch. 535.)

[ORIGINAL SECTION.]

4485. Violation of any provision of this chapter is a misdemeanor, and, unless some other punishment is prescribed, is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

PART 3. SEWERS.

CHAPTER 1. MUNICIPAL SEWER DISTRICTS, ACT OF 1911.

Article 1. Definitions and General Provisions.

"District." 4600. "District," as used in this chapter, means any district formed pursuant to this chapter or pursuant to any law which it supersedes.

"Sewer." 4601. "Sewer," as used in this chapter, includes sewers for sanitary or drainage purposes, and drains, conduits, and outlets for surface or storm waters.

Scope and effect of chapter. 4602. This chapter does not affect any other law under which sewer work or improvement may be done within or by any city but it provides an alternate system of proceedings for sewer work and improvements. The governing body of any city may proceed in making improvements either under this chapter, or under any other law. But when any proceedings are commenced under this chapter its provisions and such amendments as may hereafter be adopted, shall thereafter apply to all work done under those proceedings until completion.

If, after sewer work or improvement has been done or sewers acquired under this chapter the governing body of any city corporation deems it necessary or convenient to construct or acquire any additional sewer or sewers, the governing body may proceed to make improvement either under this chapter or under any other appropriate law.

Article 2. Formation.

Formation. 4605. The governing body of any city may create from time to time in the city separate sewer districts whenever in its judgment the districts are necessary or convenient for proper sanitation and drainage.

Purpose. 4606. Districts may be formed to construct or acquire sewers and to provide for the incurring of indebtedness to pay for the cost of the construction or acquisition of sewers.

Resolution of intention. 4607. Whenever the governing body of a city determines that the public interest or convenience requires the construction, or acquisition by purchase or otherwise, of sewers in any part of the territory of the city, it shall pass a resolution to that effect.

Vote. 4608. The resolution shall be passed by a vote of two-thirds of all its members and be approved by the mayor.

Contents of resolution. 4609. The resolution shall:
(a) Describe the boundaries of the proposed district.
(b) Designate the district by a distinctive name and number.

(c) Declare the district to be the district benefited by the work, or improvement, or acquisition of the sewer.

(d) Name a time and place for the hearing of objections by any person interested in the formation of the district or in the inclusion within the district of any land within the boundaries described in the resolution.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4609. The resolution shall:

(a) Describe the boundaries of the proposed district.

(b) Designate the district by a distinctive name and number.

(c) Declare the district to be the district benefited by the work, or improvement, or acquisition of the sewer.

(d) Name a day for the hearing of objections by any person interested in the formation of the district or in the inclusion within the district of any land within the boundaries described in the resolution.

4610. The resolution, together with the names of the members of the governing body, voting for and against it and the name of the mayor approving it shall be published for at least two weeks successively next before the day fixed for the hearing in a newspaper of general circulation printed and published in the city. Publication.

4611. On the day fixed for the hearing, or any day to which the hearing is adjourned, the governing body shall hear and consider any objections presented to the formation of the district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a vote of two-thirds of all the members of the governing body that the public interest requires the formation of the district, the governing body shall proceed to fix and determine its boundaries. Hearing.

4612. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, and approved by the mayor of the city, the governing body shall establish the district, and fix and determine its boundaries. This resolution, together with the names of the members of the governing body voting for and against the resolution and the name of the mayor approving it shall be spread upon the minutes of the governing body. Resolution establishing district.

Article 3. Issuance of Bonds.

4615. At any meeting after the passage and recording of the resolution, by ordinance passed by a vote of two-thirds of all its members and approved by the mayor, the governing body may: Purpose of bond issue.

(a) Adopt plans and specifications for the proposed sewer work, if to be constructed.

(b) Describe the territorial district upon which the expense of the proposed sewer work, improvement, or acquisition, shall be chargeable.

(c) Provide for a special election to be held in the city.

Contents of
ordinance.

4616. The ordinance calling the special election shall:

(a) Recite the objects and purposes for which the indebtedness is to be incurred.

(b) State the estimated cost of the proposed sewer work or improvement, or sewer system to be acquired.

(c) State the amount of the principal of the indebtedness to be incurred.

(d) State the rate of interest or a maximum rate of interest to be paid on the indebtedness, which rate shall not be more than the rate specified in this chapter.

(e) Fix the date on which the special election shall be held.

(f) Determine the manner of holding the election, and the manner of voting for or against the incurring of the indebtedness.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4616. The ordinance calling the special election shall:

(a) Recite the objects and purposes for which the indebtedness is to be incurred.

(b) State the estimated cost of the proposed sewer work, or improvement, or sewer system to be acquired.

(c) State the amount of the principal of the indebtedness to be incurred.

(d) State the rate of interest to be paid on the indebtedness.

(e) Fix the date on which the special election shall be held.

(f) Determine the manner of holding the election, and the manner of voting for or against the incurring of the indebtedness.

Election.

4617. In all particulars not recited in the ordinance, the election shall be held as is provided by law for holding general municipal elections in the city.

At the election only the proposition of incurring indebtedness for the purposes set forth in the ordinance may be submitted to the voters of the city.

Interest
rate.

4618. The maximum rate of interest to be paid on the bonded indebtedness shall be six per centum per annum payable semiannually.

Publication.

4619. The ordinance shall be published once a day for five days prior to the date set for the election, in a daily newspaper of general circulation printed and published in the city or, if none, it shall be published once a week for two successive weeks prior to the date set for the election in a weekly or semiweekly newspaper of general circulation, printed and published in the city.

Posting.

In cities where no newspaper is published, the ordinance shall be posted in three public places in the district for two successive weeks prior to the date set for the election. No other notice of the election need be given.

Election.

4620. If two-thirds of the votes cast are in favor of the issuance of the bonds, the bonds may be issued and the indebtedness incurred.

If less than two-thirds of the votes cast are in favor of the issuance of the bonds, the governing body of the city shall not within six months after the election pass any ordinance calling another election for incurring any indebtedness for sewer work within that district or in any district which has within its boundaries any of the territory of that district.

4621. All bonds issued under this chapter shall be issued in the name of the city in which the district has been formed, and shall be payable in the following manner: A part to be determined by the city governing body, which part shall not be less than one-fortieth part of the whole amount of the indebtedness, shall be payable every year on a day and date, and at a place within the United States, to be fixed by the governing body and designated in the bonds, together with the interest on all sums unpaid at that date, until the whole of the indebtedness has been paid.

Manner of
payment
of bonds.

4622. The bonds shall be issued in such denominations as the governing body determines, except that no bonds shall be of a denomination less than one hundred nor greater than one thousand dollars. The interest rate shall be specified in the bonds, and shall be payable semi-annually.

Bonds.

The bonds shall be signed by any officer of the city, designated for that purpose by the governing body by resolution adopted by a two-thirds vote of all of its members, and shall also be signed by the city treasurer and countersigned by the city clerk.

The coupons of the bonds shall be numbered consecutively and signed by the treasurer.

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is as valid and sufficient for all purposes, as if he had remained in office.

4623. The governing body of the city in which the district has been created may issue and sell the bonds at not less than their par value, and the proceeds of the sale shall be placed in the city treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects specified in the ordinance calling the election.

Proceeds.

Article 4. Performance of Work.

4627. Before the governing body awards contracts for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued under this chapter, it shall cause notice with specifications to be posted conspicuously for five days on or near the chamber door of the governing body. The notice shall invite sealed bids for doing the sewer work or improvement. The governing body shall also cause notice of the proposed work and

Notice
for bids.

invitations to bid referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, semiweekly, or weekly newspaper if there is one published and circulated in the city. If none, the posting is sufficient.

Form of bid.

4628. All bids offered shall be accompanied by a check, payable to the order of the mayor, certified by a responsible bank for an amount which shall be not less than ten per cent of the aggregate of the bid, or by a bond for that amount and so payable, signed by the bidder, and by two sureties who shall justify before an officer competent to administer an oath, in double the amount of the bond, over and above all statutory exemptions.

Examination of bids.

4629. The bids shall be delivered to the clerk of the governing body, and the governing body shall in open session examine and publicly declare them. It may reject any or all bids if it deems this for the public good, and shall reject all bids other than the lowest bid of any responsible bidder, and may award the contract for the work or improvement to the lowest responsible bidder at the price named in his bid, if the award is approved by the mayor, or is made by a three-fourths vote of the governing body.

Rejection of bids.

4630. If an award is not approved by the mayor or made by a three-fourths vote of the governing body, without further proceedings the governing body may readvertise for bids for the performance of the work as in the first instance, and thereafter again proceed pursuant to this article. The checks and bonds furnished in connection with the bid so rejected shall be returned.

Security.

4631. The check or bond accompanying an accepted bid shall be held by the clerk of the city until the contract for doing the work has been entered into by the successful bidder.

If any bidder fails, neglects, or refuses to enter into the contract to perform the work within ten days after the contract has been awarded to him, the certified check accompanying his bid and the amount for which it is drawn is forfeited to the city.

Performance bonds.

4632. The governing body may require such bonds as it deems adequate from bidders to whom contracts for the work or improvement are awarded, to insure the faithful performance of the contracts.

Officer acting on behalf of city.

4633. The governing body may designate any city officer, in his official capacity, to make all written contracts and receive all bonds authorized by this article, and to fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him. All work shall

be prosecuted with diligence from day to day until completion. He may extend the time so fixed from time to time under the direction of the governing body.

4634. Instead of letting contracts for the work, the city may itself construct or complete the sewer or improvement, and buy the necessary materials, and employ the necessary labor.

City doing work directly.

4635. In any city operating under a charter framed under section 8, Article XI of the Constitution and providing for a board or department of public works, all the things required to be done and performed by the governing body of the city in connection with the letting of contracts for, or the performance of the work of the district shall be done and performed by the board or department of public works of the city, and if the charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials, or supplies for the construction or completion of public works or improvements, all contracts for the construction or completion of sewer work or improvements shall be let and entered into in conformity with the provisions of the charter.

Chartered city.

4636. The governing body of each city in which sewer work or improvement is being made or acquired under this chapter shall make all needful rules and regulations for carrying out and maintaining the sewer work or improvement, and may appoint all agents, superintendents, and engineers necessary properly to look after the construction and operation of the sewers. However, in any city operating under a charter framed under section 8 of Article XI of the Constitution of the State and having a board or department of public works, the powers and duties of the governing body stated in this section shall be exercised and performed by the city board or department of public works.

Rules and regulations for work.

Chartered city.

4636.7. The provisions of the act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnished materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, are applicable to contracts for sewer work or improvements awarded by the governing body.

Mechanics' and materialmen's liens.

(Added by Stats. 1939, Ch. 1124.)

Article 5. Taxation and Finances.

4638. Until the bonds are paid, or until there is a sum in the city treasury set aside for the purpose, sufficient to meet all sums coming due for the principal and interest on the

Bond tax.

Sinking
fund.

bonds, the city governing body shall, at the time of fixing, and in the manner provided for the general tax levy, levy and collect each year upon the property situated in the district, and upon that property only, a tax sufficient to pay the annual interest on the bonds, and also such part of the principal as will become due before the time for fixing the next general tax levy. However, if the maturity of the indebtedness created by the issuance of all or any part of the bonds is made to begin more than one year after date of issuance, the tax shall be levied and collected annually, sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal when or before the payments provided for become due.

Purpose
of tax.

4639. The taxes required to be levied and collected by this article shall be in addition to all other taxes levied for city purposes, and shall be used for no purpose other than the payment of the principal and interest due on the bonds.

CHAPTER 2. SEWER DISTRICTS, ACT OF 1899.

Petition.

4660. Whenever one-third of the voters resident in any unincorporated territory in a county desire the formation of a sewer district, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the proposed district and shall pray for the formation of a sewer district. Upon the filing of such a petition the board of supervisors shall set a day for a hearing of any and all objections by all or any persons interested in the formation of such sewer district, and shall publish a notice of the petition, time and place of hearing, and a description of the exterior boundaries of the proposed district for ten days in some daily paper in the nearest municipal corporation, if there is one, if not, publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4660. Whenever one-third of the voters resident in any unincorporated territory in a county desire the formation of a sewer district, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the proposed district and shall pray for the formation of a sewer district. Upon the filing of such a petition the board of supervisors shall publish a notice of the petition and a description of the exterior boundaries of the proposed district for ten days in some daily paper in the nearest municipal corporation, if there is one, if not, publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

Hearing.

4661. On the day fixed for the hearing or any day to which the hearing is adjourned the board of supervisors shall hear and consider any objections presented to the formation of the district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a

vote of two-thirds of all the members of the board of supervisors that the public interest requires the formation of the district, the board of supervisors shall proceed to fix and determine the boundaries. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, the board of supervisors shall establish such sewer district and permanently fix and determine its boundaries. This resolution, together with the names of the members of the board of supervisors voting for and against the resolution, shall be spread upon the minutes of the board of supervisors.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4661. If within twenty days after the last publication a protest containing the signatures of the owners of a majority of the assessed valuation of the property within the proposed district is filed with the board of supervisors, the petition shall be denied, and no part of the district shall be included within any sewer district formed within six months thereafter.

If a sufficient protest is not filed before the expiration of the twenty days allowed for the protest, the board of supervisors shall declare the district formed as a sewer district.

4662. After the formation of the sewerage district, the board of supervisors may lay out and construct sewers therein, and provide for making connections with the sewer by property holders and other persons resident within the district, and for the maintenance and extension of the sewerage district. The board of supervisors shall compel property holders to connect all buildings with the sewers.

4663. Whenever a sewerage district is formed under this chapter of territory adjacent to any city having a sewerage system, the district sewerage system shall be connected with and have its outlet through the city sewerage system; but no connection can be made or maintained with the city sewerage system of any city without the consent of the city governing body.

4664. When connection is made with the city sewer system, the board of supervisors, from the funds collected from the taxes levied under this chapter, shall pay to the city annually the sum of money that is fixed as charges by the board of supervisors and the city governing body for the privilege of connecting and maintaining connection with the city sewer system. This amount may vary from year to year as the board of supervisors and the city governing body deem reasonable.

4665. At the time of making each tax levy subsequent to the formation of the district, the board of supervisors shall levy such an amount of taxes upon the taxable property of the district as the board deems necessary for carrying out the provisions of this chapter and for the purposes of the dis-

trict. The taxes shall be collected in the same manner as county taxes are collected. The board of supervisors shall provide in the levy for assessing and collecting a sufficient amount of money to pay to any city whose sewers shall be connected with pursuant to this chapter the amount fixed as charges for the privilege of connecting with the city sewerage system.

Notice to
district
of charge
by city.

4666. Before the first day of March preceding the fiscal year for which the charge is made, the city governing body shall fix, and notify the board of supervisors of, the amount of the charge.

CHAPTER 3. COUNTY SANITATION DISTRICTS.

Article 1. General Provisions.

Title.

4700. This chapter shall be known and cited as the "county sanitation district act."

"District."

4701. "District," as used in this chapter, means any county sanitation district formed pursuant to this chapter or pursuant to any law which it supersedes.

"District
board."

4702. "District board," as used in this chapter, means the board of directors of a district.

Application
of chapter.

4703. Districts may be formed, maintained, and governed in any county as provided in this chapter.

Article 2. Formation.

Resolution
of intention.

4710. A board of supervisors desiring to form a county sanitation district shall adopt a resolution of its intention to do so. The resolution shall contain all of the following:

- (a) A statement of the intention to form a district.
- (b) The boundaries of the proposed district or some other designation of its territorial extent.
- (c) The name of the proposed district.
- (d) The time and place where objections to the formation of the district or to its extent will be heard.
- (e) Instructions to the clerk of the board to publish the resolution and notices of hearing.

Territory.

4711. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by unanimous consent of the governing body of the city.

Consent
of city.

The district shall not include the whole or part of any other district formed for similar purposes.

4712. The time to be fixed for the hearing of objections shall be not less than thirty days after the adoption of the resolution. The hearing shall be held at the regular meeting place of the board of supervisors or else at some place in the proposed district. Time and place of hearing.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4712. The time to be fixed for the hearing of objections shall be not less than thirty days after the adoption of the resolution. The hearing shall be held at some place in the proposed district.

4713. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the proposed district. Publication.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4713. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published in the proposed district.

4714. At the time provided in the resolution of intention or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the formation of the district or to its extent. At the hearing the board of supervisors may exclude any territory that in its opinion will not be benefited by being in the district. Hearing.

4715. If written objection to the formation of the district, signed by two per cent of the voters registered in the district, is filed with the board, it shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election. Protest.

4716. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk, shall be appointed. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors. Election.
Notice.

4717. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a Order of formation.

majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city or part thereof in the proposed district were in favor of the formation of the district, the board of supervisors may, if it deems best, make an order forming the district.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4717. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city in the proposed district were in favor of the formation of the district, the board of supervisors may, if it deems best, make an order forming the district.

Contents and
effect of
order.

4718. The order of formation shall contain the name of the district, and a description of the boundaries or otherwise indicate its territory. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention and of the fact of the hearing.

Article 3. Officers.

Board.

4730. The governing body of a sanitation district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the district, is a member of the district board.

Members.

If unincorporated territory and territory of but one city is included in the district, the presiding officer and one other member of the board of supervisors of the county in which the district is formed are members of the district board, unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event the presiding officer of the board of supervisors and the presiding officer of the governing body of the city and one other member of the city governing body constitute the district directors.

Whenever unincorporated territory and all or parts of two or more cities are included in the district the presiding officer of the board of supervisors of the county in which the district is located is a member of the district board.

If the district contains no unincorporated territory, the district board shall consist of the presiding officers of the governing bodies of the cities wholly or in part in the district; and if only two cities or parts thereof are in the district, one additional member shall be selected from the governing body of each of the cities.

If the whole of the district is unincorporated territory, the board of supervisors of the county in which the district is formed constitutes the district board.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4730. The governing body of a sanitation district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the district, is a member of the district board.

If unincorporated territory and territory of but one city is included in the district, the presiding officer and one other member of the board of supervisors of the county in which the district is formed are members of the district board, unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event the presiding officer of the board of supervisors and the presiding officer of the governing body of the city and one other member of the city governing body constitute the district directors.

Whenever unincorporated territory and parts of two or more cities are included in the district the presiding officer of the board of supervisors of the county in which the district is located is a member of the district board.

If the district contains no unincorporated territory, the district board shall consist of the presiding officers of the governing bodies of the cities wholly or in part in the district; and if parts of only two cities are in the district, one additional member shall be selected from the governing body of each of the cities.

If the whole of the district is unincorporated territory, the board of supervisors of the county in which the district is formed constitutes the district board.

4731. If additional territory is annexed to the district as well as whenever any change takes place in the character of the territory, by the incorporation of a city or otherwise, resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district board takes place and becomes effective immediately. Annexation.
Membership
of board.

4732. The county auditor of the county in which the district is formed is ex officio the auditor of the district. Auditor.

4733. Each member of the district board shall receive as compensation for his services as a member ten dollars for each meeting of the district board attended by him, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. However, no member shall receive compensation for attending more than three meetings of the board during any calendar month. Compensation.

Article 4. District Powers.

4739. A county sanitation district may employ such sanitation experts, surveyors, counsel, and other persons as are needed to carry into effect any powers of the district. Employees.

4740. The district may acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant. Property.

- Powers. 4741. It may construct, maintain, and operate within or without the district a sewerage system and sewage disposal or treatment plant.
- Joint operation. 4742. It may join with any other district, city, or other governmental agency in the construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, either within or without the district, or so join for any combination of these purposes, but no such sewage disposal or treatment plant shall be constructed or maintained in any city not in the district, except by consent granted by the unanimous vote of the governing body of the city.
- Disposal of property. 4743. It may sell, lease, or otherwise dispose of any property of the district or any interest therein whenever it is no longer required for the purposes of the district, or when its use may be permitted without interfering with its use by the district.
- Sale of byproduct. 4744. It may sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other byproduct resulting from the operation of a sewerage system, sewage disposal plant, or treatment plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for that purpose.
- Disposal of water or effluent. 4745. It may construct, maintain, and operate such pipe lines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works, by sale or disposition for agricultural or industrial purposes, or by discharging or spreading the water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.
- Bonds. 4746. It may issue bonds.
- Taxes. 4747. It may cause to be levied and collected taxes upon all the taxable real property in the district sufficient to meet the obligations evidenced by its bonds, to maintain the works of the district, and to defray all other expenses incidental to the exercise of the district powers.
- Survey by sanitation engineers. 4748. The district board shall, by resolution, employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation and especially with reference to the matter of sewage collection, treatment, and disposal. The resolution shall direct the engineer or engineers to prepare and file with the district board of the district a report setting forth:
- Report. (a) A general description of existing facilities for sewage collection, treatment, and disposal.

(b) A general description of the work proposed to be done to carry out the objects of the district.

(c) A general plan and general specifications of the work.

(d) A general description of the property proposed to be acquired or damaged in carrying out the work.

(e) A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

(f) An estimate of the cost of the proposed work.

4749. The engineer or engineers may, subject to the direction of the district board, employ such surveyors and others as may be necessary to prepare the report. The district board at any time may remove any or all engineers or other persons employed, and may fill all vacancies.

Appointment and removal.

4750. When the engineers' report is filed the district board shall examine it and may thereupon (a) reject it and direct that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of this chapter and is satisfactory to the board it shall fix a time and place for hearing objections to the report and to doing all or any part of the work referred to in the report.

Action upon engineers' report.

4751. Notice of the hearing shall be given by the district board by publishing the notice for at least five times in a daily, or twice in a weekly, newspaper circulated in the district, as the district board may direct. At the time and place so fixed, or at the time and place to which the hearing may be from time to time continued, the board shall hear all objections.

Notice.

Hearing.

4752. At the conclusion of the hearing the district board shall either order the report changed to conform to some or all the objections made or shall approve and adopt the report as made. If changes in the report are ordered a further hearing shall be had upon it as amended and further hearings shall be had until the district board approves and adopts the report.

Adoption of report.

4753. The district board may, thereafter, have such portions of the report as are adapted to publication, or a resume, published for free public distribution.

Publication of report.

4754. The engineers employed by the district board to make the report required by this chapter, or other engineers, shall be directed by the district board to superintend the doing of the work recommended to be done in the report as approved and adopted.

Supervision.

4755. The work, or any portion of it, may be done in any of the following ways as ordered by the district board:

Methods of work.

(a) By purchasing the material and doing the work by day labor.

(b) By purchasing the material and letting a contract for the doing of the work.

(c) By purchasing only a portion or none of the material and letting a contract for furnishing the balance or all of the material and the doing of the work.

Contracts.
Bids.

4756. Any contract for the doing of the work or for the doing of the work and furnishing any or all of the material shall be let to the lowest responsible bidder submitting a sealed bid in response to a notice calling for bids.

Notice.

4757. The notice shall be published once a week for at least two successive weeks in a newspaper circulated in the county and shall refer to detailed plans and specifications covering the work to be done and materials, if any, to be furnished. If the material to be purchased costs over one thousand dollars, and there is no purchasing agent, the material shall be purchased from the lowest responsible bidder.

Modification
in report.

4758. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

Right
of way.

4759. A right of way in or across any public highway, street, or property in the district is hereby granted to the district wherever the right of way is found by the district board to be necessary or convenient for doing any of the work.

Acquisition
of system.
Contracts
for use.

4760. The district board may, by agreement with any city or other public agency, take possession of or acquire by condemnation or in any other manner any sewerage system, or any sewage disposal or treatment plant necessary or convenient to carry out any of the objects of the district, or may acquire by agreement or in any manner the right to use them, and any city or other public agency may enter into such an agreement with a county sanitation district.

A compliance with this chapter is sufficient to authorize such an agreement by either a county sanitation district, city, or other public agency entering into such a contract with a county sanitation district.

Bonds.

Whenever any sewerage system, or sewage disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district shall assume and pay out of its funds the outstanding bonds accord-

ing to their terms, and the principal sum remaining unpaid shall be credited to it and deducted from any sum to be paid by it to the city or public agency.

Funds may be obtained by the county sanitation districts to pay the principal and interest on the assumed bonds in the manner as is provided for paying the principal and interest on its own bonds. Funds.

4761. Any city or public agency in the district may enter into an agreement with the district for the use, or entire possession and operation, by the county sanitation district of any sewerage system, or sewage disposal or treatment plant owned or operated by the city or public agency. Contracts for use of system, etc.

4762. Whenever any area in the district is provided with a sewerage system the governing body of the city in which the area lies may declare the further maintenance or use of cess-pools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with the sewerage system. Connection with system.

4763. All powers of the district shall be exercised by the district board unless otherwise specified. Powers of board.

(Added by Stats. 1939, Ch. 596.)

Article 4.5. Application of Other Statutes.

(Art. 4.5 added by Stats. 1939, Ch. 1124.)

4770. Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board of any district organized subsequent to the effective date of this amendment may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire or construct trunk and collection lines and laterals, sewage disposal and treatment plants, and acquire rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or upon a special district. Special assessment.

(Added by Stats. 1939, Ch. 1124.)

4771. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to districts. Applicable statutes.

(Added by Stats. 1939, Ch. 1124.)

Duties of
officers.

4772. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

- (a) "City Council," and "council," mean board.
- (b) "City," and "municipality," mean district.
- (c) "Clerk," and "city clerk," mean secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.
- (e) "Tax collector," means county tax collector.
- (f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.
- (g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

(Added by Stats. 1939, Ch. 1124.)

Exercise
of powers.

4773. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

(Added by Stats. 1939, Ch. 1124.)

Article 5. Bonds.

Bond
election.

4780. After the approval and adoption of an engineers' report the district board shall submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution.

Resolution.

4781. The resolution shall state all of the following:

- (a) The general objects and purposes for which it is proposed to incur an indebtedness.
- (b) A reference to the report filed with the district board for particulars.
- (c) The amount of the bonds proposed to be issued.
- (d) The part of the principal to be paid each year, which part shall not be less than the part specified in this chapter.
- (e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the times specified in this chapter.
- (f) The date of the election.
- (g) The election precincts, polling places, and election officers.

Precincts.

4782. For the purposes of the bond election the district board may consolidate into one precinct several precincts

established for general election purposes and describe the precinct by reference to the general election precincts.

4783. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct. Election officers.

4784. Only voters registered in the district are eligible to vote at the bond election. Voters.

4785. The resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given. Notice.

4786. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold. Two-thirds vote.

4787. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not legally held or proper notice of it was not given. Validity of bonds.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4787. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing was not legally held or proper notice of it was not given.

4788. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable substantially in the following manner: A part to be determined by the district board, which shall not be less than one-fortieth part of the whole amount of the indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. Form of bonds. Payment.

4789. The bonds shall be issued in such denominations as the district board determines, except that no bonds shall be of a denomination less than one hundred dollars or greater than one thousand dollars. They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 per cent per annum, and shall, after the first year, be payable semiannually. Denomination. Interest.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4789. The bonds shall be issued in such denominations as the district board determines, except that no bonds shall be of a denomination less than one hundred or greater than one thousand dollars. They are payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of six per cent annually, and shall, after the first year, be payable semi-annually.

Signatures. 4790. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, and the seal of the district board shall be affixed. The interest
Coupons. coupons of the bonds shall be numbered consecutively and signed by the auditor of the district by his engraved or lithographed signature.

Signatures. 4791. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4791. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is as valid as if he had remained in office.

Sale of bonds. 4792. The board may issue and sell the bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county.

Proceeds. All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the treasurer.

Construction fund. 4793. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

Resubmission of proposition. 4794. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.

4795. If bonds have been issued by the district and the proceeds of the sale have been expended, and the district board by resolution passed by a vote of four-fifths of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds.

Additional
bonds.

4796. Bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property in the district, and all the real property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

Bond lien.

Tax ex-
emption.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4796. Bonds are a lien upon the property of the district, and the lien for the bonds of any issue is a preferred lien to that of any subsequent issue. The bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property in the district, and all the real property in the district is liable to be taxed for such payments. The bonds are not taxable in this State.

4797. It is not the intention of this chapter that other than main trunk lines of the sewerage system of the district shall be constructed from the proceeds of the sale of bonds of the district, but that the lateral and collecting lines shall be constructed and paid for by the county, cities, or other public agencies or districts that by law are authorized to construct the lateral and collecting lines and provide for their payment. The determination by the district board of what are main trunk lines is final.

Use of
proceeds.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4797. It is not the intention of this chapter that other than main trunk lines of the sewerage system of the district shall be constructed from the proceeds of the sale of bonds of the district, but that the lateral and collecting lines shall be constructed and paid for by the county, cities, or other public agencies or districts that by law are authorized to construct the lateral and connecting lines and provide for their payment. The determination by the district board of what are main trunk lines is final.

4798. Connection of lateral or collecting lines to the main trunk line shall be made at points and in the manner to be directed by the engineer of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe.

Lateral and
connecting
lines.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4798. Connection of lateral or connecting lines to the main trunk line shall be made at points and in the manner to be directed by the engineer of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe.

Effect of chapter.

4799. Nothing in this chapter shall affect the validity of, or the right to issue and sell, bonds voted prior to the date when this code goes into effect.

(Added by Stats. 1939, Ch. 596.)

Article 6. Finance and Taxation.

Statement of amount.

4810. Annually, at least fifteen days before the first day of the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

Levy of tax.

4811. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

Lack of statement.

4812. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary, the board of supervisors of the county shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the time for making the next general tax levy, and shall levy and cause to be collected the necessary amount.

Tax collection. Funds.

4813. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of the district, and shall be used for the payment of the principal and interest upon the bonds, and for no other purpose.

Payment of bonds.

4814. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

4815. In any year, at least fifteen days before the first day of the month in which the board of supervisors of the county in which the district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board may furnish to the board of supervisors a written statement of the amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district's powers, and the board of supervisors of the county shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay the cost of maintaining, operating, extending, or repairing any work or improvements of the district and of defraying all other expenses incidental to the exercise of any of the district's powers.

Statement
of amount
needed for
expenses.

Levy of tax.

4816. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the operating fund of the district, and the district board shall control and order its expenditure.

Tax
collection.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4816. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the operating fund of the district, and the district board may control and order its expenditure.

4817. Payments from the operating fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

Operating
fund.

4818. The cost of preparing the engineer's report, including the compensation paid engineers and other employees of the district, is a charge against the district and shall be paid from the first available funds of the district.

Cost of
engineer's
report.

Article 7. Annexation.

4830. Territory, whether incorporated or unincorporated, contiguous to a district, and not included in any other county sanitation district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation.

Type of
territory.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4830. Territory, whether incorporated or unincorporated, contiguous to a district, and not included in any other county sanitation district or other district formed for similar purposes, may be annexed, if the board of supervisors first finds and determines that the additional territory will be benefited by annexation.

Procedure.

4831. For the purpose of annexing territory to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4831. For the purpose of annexing territory to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto refer only to the territory proposed to be annexed.

The district board shall first, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

Effect of
annexation.

4832. Whenever any territory is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

Article 8. Joint Operation.

Joint
operation
by districts.

4840. Whenever two or more sanitation districts find and declare by resolution adopted by their respective district boards that it is for the interest or advantage of the districts to do so, the districts by their respective district boards may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of the districts, and the construction, supervision, operation, and maintenance of the work of each of the districts, and for that purpose the districts may agree to employ the same engineers, surveyors, counsel, and other persons needed to carry out the purposes of the districts.

Agreement.

4841. The agreement shall specify the proportionate amount to be paid by each district toward the costs and

expenses of the organization and the salaries, wages, or other compensation of all persons employed jointly by the districts.

4842. For the purpose of facilitating the payment of the joint costs, expenses, salaries, wages, or other compensation, the agreement may also provide for the payment by each district of its proportionate share of the costs, expenses, salaries, wages, or other compensation, into the funds of any one of the districts which may be designated for the purpose, and the designated district shall thereafter pay all the costs, expenses, salaries, wages, or other compensation incurred by, or to be paid in connection with the maintenance of the joint organization. Expenses.

Article 8a. Withdrawal of City.

(Article 8a added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is Chapter 3.)

4845.05. A city may withdraw from a district when all of the following conditions exist: Withdrawal
of city from
district.

(a) The district has been in existence for more than ten years;

(b) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under sections 4815, 4816, 4817, 4748, or 4749; and in event such indebtedness or expense is outstanding and owing on the date of the election herein authorized, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof;

(c) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at an election to receive the number of votes required to authorize the issuance of bonds.

(Added by Stats. 1939, Ch. 270.)

4845.06. The withdrawal shall be effected by the vote of a majority of the qualified electors of the city voting at an election on the proposition to withdraw. Election.

(Added by Stats. 1939, Ch. 270.)

4845.07. The election may be called and conducted by the district board upon its own motion, and shall be called and conducted upon presentation to it of a petition signed by not less than twenty-five per cent (25%) of the qualified electors residing in the city. Conduct
of election.

(Added by Stats. 1939, Ch. 270.)

4845.08. The election shall be called within thirty (30) days after such petition is presented and conducted in the Petition.

same manner as other elections of the district, except that the resolution calling the election shall be published in a newspaper having a general circulation in the city.

(Added by Stats. 1939, Ch. 270.)

Canvass.

4845.09. The district board shall canvass the returns of the election within thirty days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then it shall so find and declare, and thereupon the territory shall no longer be a part of the district.

(Added by Stats. 1939, Ch. 270.)

Resolution
of with-
drawal.

4845.1. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

(Added by Stats. 1939, Ch. 270.)

Vacancies
on board.

4845.11. If the withdrawal of the city results in less than three members remaining on the district board, the vacancy shall be filled in accordance with the provisions of this chapter for changes in the membership of the district board.

(Added by Stats. 1939, Ch. 270.)

Property.

4845.12. In event of the withdrawal of a city, the disposition of the property of the district lying within the city, and of the debts and funds of the district, shall be as provided in the article of this chapter on dissolution.

(Added by Stats. 1939, Ch. 270.)

Election to
join new
district.

4845.13. The territory within the city so withdrawing from the district shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within the district is approved by a majority of the qualified electors of the city, voting at an election on the proposition of annexation or inclusion.

(Added by Stats. 1939, Ch. 270.)

Article 8b. Withdrawal of Unincorporated Territory.

(Article 8b added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is to Chapter 3.)

Withdrawal
of unin-
corporated
territory
from
district.

4845.20. All or any portion of the unincorporated territory within a district, may withdraw from the district when all of the following conditions exist:

(a) The district has been in existence for more than ten years;

(b) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at the election to receive the number of votes required to authorize the existence of bonds;

(c) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under sections 4815, 4816, 4817, 4748, or 4749; and in event such indebtedness or expense is outstanding and owing on the date of the election authorized in this article the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof.

(Added by Stats. 1939, Ch. 270.)

4845.21. The withdrawal shall be effected by the vote of Election.
majority of the qualified electors of the territory seeking to withdraw, voting at an election on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270.)

4845.22. The election shall be called and conducted by the Petition.
board of directors of the district whenever a petition signed by twenty-five per cent (25%) of the qualified electors residing in the territory seeking to withdraw, is presented to the board. The petition shall describe the exterior boundaries of the unincorporated territory seeking to withdraw, and request that an election shall be called and conducted on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270.)

4845.23. The election then shall be called and conducted Conduct of
in the same manner as other elections of the district except election.
that the resolution calling the election shall be published in a newspaper having a general circulation within the territory seeking to withdraw.

(Added by Stats. 1939, Ch. 270.)

4845.24. The board of directors shall canvass the returns Canvass.
of the election within thirty days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then the board shall so find and declare, and thereupon the territory no longer shall be a part of the district.

(Added by Stats. 1939, Ch. 270.)

4845.25. A certified copy of the resolution shall be filed Resolution
with the clerk of the board of supervisors of the county in of with-
which the district is situated, within fifteen days after the drawal.
resolution is adopted.

(Added by Stats. 1939, Ch. 270.)

4845.26. If the withdrawal of the territory results in less Vacancies
than three directors remaining on the board of directors of on board.
the district, the vacancy shall be filled in accordance with the provisions of this act for changes in the membership of the board of directors.

(Added by Stats. 1939, Ch. 270.)

Property. 4845.27. In event of the withdrawal of all or any portion of such unincorporated territory, the disposition of the property lying within such territory so withdrawing, and the debts and funds of the district shall be as provided in Article 9 of this chapter.

(Added by Stats. 1939, Ch. 270.)

Election to join new district. 4845.28. The unincorporated territory shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within a district is approved by a majority of the qualified electors of the territory so withdrawing, voting at an election on the proposition of annexation or inclusion.

(Added by Stats. 1939, Ch. 270.)

Article 9. Dissolution.

Election. 4850. A district having no bonded indebtedness may be dissolved upon the vote of a majority of its voters upon an election called by the district board upon that question.
Indebtedness. Before dissolution all legal indebtedness of the district shall first be paid and discharged.

Conduct of election. 4851. The election on the question of dissolution shall be called and conducted in the same manner as other elections of the district, and the district board shall canvass the returns of the election within thirty days after the election.

Resolution. 4852. If a majority of the votes cast are in favor of dissolution of the district, the district board shall by resolution so find, and declare the district dissolved, and thereupon the district is dissolved.

Certified copy. 4853. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

Property. 4854. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated.

Remaining indebtedness. 4855. If after the dissolution of the district it is found that through oversight or error there remains a legal indebtedness of the district, the board of supervisors of the county shall levy a tax upon the taxable real property within the boundaries of the district as it existed at the time of dissolution, sufficient to meet the indebtedness and interest thereon, if any, and pay it.

4856. Any funds belonging to the district at the time of ^{Funds.} dissolution shall be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution.

CHAPTER 4. SEWER MAINTENANCE DISTRICTS.

Article 1. General Provisions and Definitions.

4860. This chapter shall be known and may be cited as the ^{Title.} sewer maintenance district act.

4861. "District," as used in this chapter, means a sewer ^{"District."} maintenance district formed pursuant to this chapter or pursuant to any law which it supersedes.

4862. "Board," as used in this chapter, means the board of ^{"Board."} supervisors of the county in which a district is formed, or in which it is proposed to form a district.

4863. "Clerk," as used in this chapter, means the clerk ^{"Clerk."} of the board of supervisors.

4864. This chapter does not repeal any law providing for ^{Other} the organization of sanitary districts or county sanitation ^{statutes.} districts nor authorize the governing body of a sewer maintenance district to manage, control, or otherwise interfere with the maintenance or repair of any sewers under the control of a sanitary district or county sanitation district.

Article 2. Formation.

4870. Any portion of the unincorporated territory of a ^{Territory.} county in which lateral or collecting sanitary sewers have been installed, for the maintenance and repair of which provision is not otherwise made, may be formed into a district.

4871. The board of supervisors of any county may deter- ^{Resolution} mine by resolution that any portion of the unincorporated ^{of intention.} area of the county not already included in a district is in need of sewer maintenance and should be formed into a district.

4872. The board shall fix a time and place to hear the ^{Time and} proposal to form a district. ^{place of} hearing.

4873. The board shall direct the clerk to give notice of the ^{Notice.} hearing. The notice shall have the heading "Notice of the proposed formation of ----- sewer maintenance district", stating the name of the proposed district. It shall:

(a) State the time and place for the hearing.

(b) Set forth the exterior boundaries of the territory proposed to be organized into a district.

Publication. 4874. The board shall direct the clerk to publish the notice once a week for two successive weeks in the newspaper of general circulation circulated in the territory which it is proposed to organize into a district that the board deems most likely to give notice to the inhabitants of the proposed district.

Posting. 4875. The board shall also direct the clerk to post the notice in three public places in the proposed district at least ten days prior to the date set for the hearing. The heading of each posted notice shall be in letters of not less than one inch in height.

Protests. 4876. At any time prior to the time fixed for the hearing any interested person may file with the clerk written objections to the formation of the proposed district.

Hearing. 4877. At the time and place fixed for the hearing or at any time to which the hearing is continued, the board shall consider and pass on all written objections filed.

Change in proposed boundaries. Formation. 4878. If the board overrules the objections to the formation it shall hear any person objecting to the inclusion in the proposed district of any particular territory and may, upon the hearing, exclude any territory that would not be benefited by inclusion. At the conclusion of the hearing the board may by resolution abandon the proposed formation of the district, or it may form the district and fix its boundaries either as set forth in the notice or as modified upon the hearing. The boundaries shall not be changed to include any territory outside the boundaries described in the notice.

Article 3. Officers and Powers.

Board. 4885. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district and for the cleaning, repair, reconstruction, renewal, replacement, operation, and maintenance of lateral and collecting sewers in it.

Property. 4886. The board may acquire by gift, condemnation, purchase, or otherwise in the name of the county, and own, control, manage, and dispose of, personal property necessary or convenient for the purposes of this chapter, and may perform all of the acts necessary or proper to accomplish such purposes.

Powers. 4887. The board may appoint the county surveyor to supervise the work of cleaning, repairing, reconstructing, renewing, replacing, operating, and maintaining the sewers and their appurtenances and may enter into contracts for the purchase

of water to be used in flushing the sewers and for the disposal of sewage collected in the district.

Article 4. Finances and Taxation.

4890. The clerk shall file in the office of the county assessor a certified copy of each resolution of the board that affects a district in any of the following ways: Filing copies of resolutions.

- (a) Establishes it.
- (b) Reestablishes its boundaries after territory has been annexed to it.
- (c) Reestablishes its boundaries after territory has been withdrawn from it.
- (d) Dissolves it.

The county assessor shall thereafter in making up the assessment roll segregate on it the property included in the district.

4891. The board may levy a tax each year upon the taxable property in the district sufficient to defray the cost of maintaining, operating, and repairing the sewers in the district, of maintaining the district, and of meeting such other expenditures as are authorized by this chapter. Tax.

4892. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury to the credit of the maintenance fund of the district and shall be used only in furtherance of the purposes of this chapter. Levy and collection.

Article 5. Annexation.

4895. Outlying territory may be annexed to a district as provided in this article. Territory
(Amended by Stats. 1939, Ch. 596.)

[ORIGINAL SECTION.]

4895. Contiguous territory may be annexed to a district as provided in this article.

4896. The board may by resolution fix a time and place for a hearing upon the question of the annexation of territory to a district. The resolution shall describe the boundaries of the territory proposed to be annexed. Resolution setting hearing.

4897. The date set for the hearing on the proposed annexation shall be at least three weeks after the date of the adoption of the resolution setting the hearing. Time.

4898. The board shall cause notices of the hearing to be posted in at least three conspicuous places in the territory proposed to be annexed and in at least three conspicuous places in the district. However, if the territory proposed to be annexed Posting.

is in more than one existing district the notices shall be posted in at least three conspicuous places in each district in which is situated any of the territory proposed to be annexed.

Contents
of notices.

4899. The notices shall be headed "notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice.

Posting.

Publication.

The notices shall be posted not less than ten days prior to the date set for the hearing. In addition to the notices the board shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated in the district and another in the territory proposed to be annexed that the board deems most likely to give notice of the hearing to the inhabitants of each.

Hearing.

4900. At the time fixed for the hearing or at any time to which it is continued the board shall hear and pass upon the proposal and any objections that may be filed to the inclusion of any property in the proposed annexation.

Order of
annexation.

The board may, by order entered upon its minutes, determine that the territory proposed to be annexed or any part will be benefited by annexation and may order that the boundaries of the district be altered to include that territory.

Annexation
of territory
in another
district.

4901. If the territory annexed to the district comprises a portion of another district, upon the annexation becoming complete the territory shall thereupon be withdrawn from the district of which it theretofore formed a part.

Dissolution
of district
where all
of territory
annexed.

4902. If the territory annexed to the district comprises all of another district, the theretofore existing district is thereupon dissolved. The funds of the dissolved district shall be transferred to the district to which all its territory has been annexed and all contracts or obligations of the dissolved district become the obligations of the district to which the territory has been annexed.

Contracts.
Expenses.

4903. The exclusion of territory from one district and its annexation to another district shall not be effective until all outstanding contracts of the district from which it is excluded have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the territory excluded, and until the funds remaining on hand upon the completion of the exclusion and annexation have been apportioned between the district to which the territory was annexed and the district from which it was excluded.

Funds.

The division of the funds shall be prorated in the proportion that the assessed value of the real property of the terri-

tory so excluded bore to the total assessed value of the real property in the district immediately prior to the exclusion.

Article 6. Exclusion.

4905. Any portion of a district that will not be benefited by remaining in the district may be excluded as provided in this article. Exclusion.

4906. A petition to exclude territory shall be signed by fifty or more freeholders in the portion proposed to be excluded from the district, or by a majority of the freeholders, if there are less than one hundred freeholders in the portion proposed to be excluded. The petition shall request the exclusion of that territory from the district on the ground that it will not be benefited by remaining in the district. Petition.

4907. Upon receiving a petition to exclude territory the board shall fix a time for hearing it and for hearing protests to the continuance of the remaining territory as a district. The time of hearing shall not be less than fifteen nor more than thirty days after the receipt of the petition. Time and place of hearing.

4908. At least ten days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in the newspaper circulated in the district that the board deems most likely to give notice to the district's inhabitants of the proposed exclusion. Notice.

4909. Any person interested may appear at the hearing and object to the exclusion of the territory from the district, or may object to the continuance of the remaining territory as a district, and the board shall consider all objections and shall pass upon them. Hearing.

4910. If the board finds that the territory proposed to be excluded will not be benefited by remaining in the district, and that the territory not proposed to be excluded will be benefited by continuing as a district, it shall grant the petition, and by resolution establish the boundaries of the district as reestablished after the exclusion. Determination.

4911. Upon the exclusion of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district. Property.

Article 7. Dissolution.

4915. A district may be dissolved by the board as provided in this chapter. Dissolution.

- Petition.** 4916. A petition for dissolution shall be signed by fifty or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than one hundred freeholders and residents in the district, and shall request the dissolution of the district.
- Time and place of hearing.** 4917. Upon receiving a petition for dissolution the board shall fix a time for the hearing of the petition, which shall not be less than fifteen nor more than thirty days after its receipt.
- Notice.** 4918. At least ten days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in a newspaper circulated in the district.
- Hearing.** 4919. At the time appointed for the hearing or at any time to which it is continued, the board shall hear and pass upon the petition and may grant or deny it, and its decision is final.
- Resolution.** 4920. If the petition is granted, the board shall by resolution order the dissolution of the district and the district is thereupon dissolved. The property of the district remains the property of the county in which the district is located.
- Property.**
- Inclusion of territory in cities.** 4921. Upon the inclusion of all the territory of a district in one or more cities, either by reason of annexation or by reason of the incorporation of one or more cities, all funds paid into the county treasury to the credit of the district shall be paid over by the board as provided in this article.
- Inclusion in one city.** 4922. If all of the district is included in one city, the fund shall be paid to the treasurer of the city and administered by the governing body of the city.
- Apportionment of funds.** 4923. If a part only of the district is so included in one city and the remaining part of the district is included in one or more other cities then such proportionate part of the funds shall be paid to the treasurer of each city as the assessed valuation of the real property of the portion of the district included in each city bore, before being so included, to the total assessed valuation of the real property of the district.
- Use of funds.** 4924. The funds paid over by the district to a city shall be administered by its governing body for the benefit of such portions of the district as are included in the city, and for the purpose of operating and maintaining the sewers in it formerly maintained by the district.
- Dissolution by inclusion of all territory in city.** 4925. When all territory in a district has been included in a city the district is thereupon, by reason of the inclusion, dissolved.

4926. If less than the whole of a district is included in a city either by reason of annexation or by reason of incorporation proceedings, the district continues in existence and continues to function except that the portion of the district included in the city is excluded from the district. But the inclusion of territory of a district in a city does not operate as a withdrawal of the territory from the district unless and until all outstanding contracts of the district have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the territory so included.

Inclusion of part of territory in city. Indebtedness.

CHAPTER 5. SEWER REVENUE BONDS.

Article 1. General Provisions and Definitions.

4950. "Works," as used in this chapter, includes sewage treatment plants, intercepting and collecting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other appurtenances necessary, useful, or convenient, for the collection, treatment, purification, or disposal of sewage, and necessary lands, rights of way, or other property.

"Works."

4951. "District," as used in this chapter, includes city, county, sanitary district, and sanitation district.

"District."

4952. "Governing body," as used in this chapter, means the governing body of the district.

"Governing body."

4953. "Clerk," as used in this chapter, means the clerk or secretary of the governing body or of the district.

"Clerk."

4954. "Area," as used in this chapter, means the area served, or proposed to be served, by the works, or proposed works.

"Area."

4955. "Rates," as used in this chapter, includes rates and charges.

"Rates."

4956. "Bonds," as used in this chapter, means revenue bonds authorized by this chapter.

"Bonds."

4957. "Treasurer," as used in this chapter, means the treasurer of the district.

"Treasurer."

4958. "Owners of improved real property," as used in this chapter, means persons who are recorded on the books of the assessor and tax collector as the owners of lots or parcels of land in the area that are improved by buildings that would be subject to service of works under the provisions of this chapter, on completion of the project.

"Owners of improved real property."

Referendum provisions.

4959. The provisions of this chapter regarding a referendum shall be liberally construed to effect the objects of this chapter, and no irregularity or informality shall invalidate the election when it appears that the provisions of law have been substantially complied with.

Additional and alternative method.

4960. This chapter is an additional and alternative method to those already provided for the acquisition, construction, extension, and operation of the works referred to in this chapter.

Article 2. Resolution.

Resolution of intention.

4965. Before a district acquires or constructs any works under this chapter, its governing body shall adopt a resolution declaring its intention to do so.

Contents of resolution.

4966. The resolution of intention shall contain all of the following:

(a) A brief and general description of the works. If they are to be constructed, a reference to the plans and specifications that have been prepared and filed by the engineer chosen by the governing body.

(b) The estimated cost of the works to be acquired or constructed, and the amount of bonds to be issued and sold.

(c) A general description of the area to be served by the proposed works, referring to a plat of the area, which shall govern for all details.

(d) An estimate of the number and character of the places and properties to be served by the works, including those ready for immediate service and those in expectancy.

(e) An estimate of the immediate revenue that would be received from the operation of the works, and of future revenues in expectancy.

(f) A statement that revenue bonds of the district will be issued to cover the cost of the works.

(g) A notice of the time and place when persons interested may appear before the governing body and be heard as to any protests or objections they may have against the acquisition or construction of the proposed works and the issuance and sale of bonds.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4966. The resolution of intention shall contain all of the following:

(a) A brief and general description of the works. If they are to be constructed, a reference to the plans and specifications that have been prepared and filed by the engineer chosen by the governing body.

(b) The estimated cost of the works to be acquired or constructed, and the amount of bonds to be issued and sold.

(c) A general description of the area to be served by the proposed works, referring to a plat of the area, which shall govern for all details.

(d) An estimate of the number and character of the places and properties to be served by the works, including those ready for immediate service and those in expectancy.

(e) An estimate of the immediate revenue that would be received from the operation of the works, and of future revenues in expectancy.

(f) A statement that revenue bonds of the district will be issued to cover the cost of the works, and sold to the Reconstruction Finance Corporation or other fiscal agency of the United States.

(g) A notice of the time and place when persons interested may appear before the governing body and be heard as to any protests or objections they may have against the acquisition or construction of the proposed works and the issuance and sale of bonds.

Article 3. Notice, Hearing, and Election.

4970. The time set for the hearing shall be not less than twenty nor more than forty days after the adoption of the resolution.

Time of hearing.

4971. The governing body shall cause the resolution to be published twice in one or more newspapers published and circulated in the district. If no newspaper is published in the district, then the publication shall be made in a newspaper published in the county in which the district is located.

Publication of resolution.

4972. A copy of the resolution headed "Notice of Sewer Work," in letters not less than one inch in height, shall be posted in the district along the entire length of that street in the district which, in the opinion of the governing body, is traversed by the largest number of people. The notices shall be posted not less than 300 feet in distance apart, and not less than three notices shall be posted in any case.

Posting.

4973. Both the posting and the publication shall be completed at least ten days before the time set for the hearing. Affidavits of publication and of posting shall be filed with the clerk.

Completion of posting and publication.

4974. At the time set for the hearing, the governing body shall hear all persons or their representatives having any objections to the acquisition or construction of the works as proposed, also any suggestions that may be offered in the way of an amendment or modification of the proposition. The governing body may continue the hearing from time to time, and modify the boundaries of the area by eliminating territory, but no new territory shall be added.

Hearing.

4975. If, before the conclusion of the hearing, a petition signed by not less than fifteen per cent of the owners in the specified area is filed with the governing body requesting that body to submit the proposition of acquiring or constructing the proposed works to an election of property owners in the area, the governing body shall forthwith call an election in the area for that purpose. The election shall be restricted to the owners of improved real property in the area.

Petition requesting election.

4976. If called, the election shall be held and conducted, the votes received and canvassed, and the returns made, deter-

Conduct of election.

mined, and declared, so far as practicable, in accordance with the laws governing the enactment or rejection of city ordinances by means of the initiative or referendum, except that no person is entitled to vote at the election except one owning improved real property in the area.

Votes.

4977. If the question goes to an election each owner of improved real property shall have but one vote regardless of the number of lots or parcels of land owned by him. Where property stands in the name of two or more persons each of them shall have a vote. The vote of corporations shall be cast by its president or secretary, properly authorized in writing.

Protest
by majority.

4978. If written protests or objections are filed with the governing body, signed by more than one-half of the owners of improved real property in the area, as the owners are shown on the records of the assessor and the tax collector of the district, no further proceedings shall be taken in the matter for six months, and not then without the passage of a new resolution of intention.

Jurisdiction
to proceed.

4979. If protest is not filed by a majority of the owners of improved real property in the area, or if the proposal is not rejected at a referendum election, the governing body acquires jurisdiction to proceed.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4979. If protest is not filed by a majority of the owners of improved real property in the area, or if the proposal is not rejected at a referendum election, the governing body acquires jurisdiction to proceed, and shall immediately make application to the Reconstruction Finance Corporation or other fiscal agency of the United States, and petition such agency to purchase the bonds.

Article 4. Bonds.

Purpose
of bonds.

4985. The cost of the acquisition or construction of the works for which bonds may be issued includes all of the following:

(a) The cost of all property, rights, easements, and franchises deemed necessary or convenient therefor.

(b) Engineering, clerical, and legal expense.

(c) All other expenses connected with or incident to the works in the operation and performance of the acts required by this chapter to be done.

Serial bonds.

4986. Bonds issued and sold under this chapter shall be revenue bonds of the character and form known as "serials." Each bond shall be entitled "sewer revenue bond," and shall be paid and discharged within forty years from its date.

Sewer
revenue
bonds.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4986. Bonds issued and sold under this chapter shall be revenue bonds of the character and form known as "Serials." They shall be sold

to the Reconstruction Finance Corporation or other fiscal agency of the United States established to loan money to states, municipalities, or other public corporations for financing self-liquidating projects. Each bond shall be entitled "Sewer revenue bond," and shall be paid and discharged within forty years from its date.

4987. Each bond, except those of the last installment, or one of each annual installment, shall be in multiples of one hundred dollars, in such amount as the governing body determines, but no bond shall be of greater denomination than one thousand dollars. Denominations.

4988. The bonds shall bear interest, as the governing body shall determine, at a rate not to exceed 6 per cent per annum, payable semiannually by coupon. Interest.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4988. The bonds shall bear interest at a rate not to exceed six per cent per annum, payable semiannually by coupon.

4989. The governing body shall prescribe the form of the bonds, and provide that of the indebtedness represented thereby a part shall be payable each year after their date, at a time and place to be designated in the bonds, together with interest, until the whole of the indebtedness has been paid. Form of bonds.

The maturity date of the first bond or series of bonds may be deferred for a period not exceeding five years from the date of the bonds. Maturity.

4990. The number of bonds to be paid each year need not be the same, and the governing body may fix maturities so that the number of bonds retired each year will, in the discretion of the governing body, be most equitable and just; however, all bonds shall be completely paid within forty years from date of issue. Retirement of bonds.

4991. If the district is a city, the bonds shall be signed by the mayor if there is one; otherwise by the president or chairman of the governing body, and countersigned by the clerk. The seal of the district shall be affixed to the bond. The coupons shall be signed by the treasurer by his engraved or lithographed signature. Signatures.

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless as valid and sufficient for all purposes as if he had remained in office.

4992. (Repealed by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4992. If any of the requirements of this chapter as to the title, character, or other details of the bonds are objectionable for any reason to the Reconstruction Finance Corporation or other fiscal agency of the United States purchasing the bonds, the governing body may modify or change the requirements.

Deficiency
bonds.

4993. If the proceeds of the bonds for any reason are less than the cost of the works, additional bonds may in like manner be issued and sold to provide for the amount of the deficit, but not to exceed the amount necessary to complete the works according to the original plans and specifications. Such deficiency bonds shall be deemed to be the same in all respects as the original issue, and shall be entitled to payment, without preference or priority over the bonds first issued, and shall be disposed of in like manner.

Errors,
defects, etc.

4994. No error, defect, irregularity, informality, and no neglect or omission of any officer of any district in any proceedings under this chapter, that does not affect the jurisdiction of the governing body to order the doing of the acts proposed to be done, avoids or invalidates the proceedings or any bond. The exclusive remedy of any person affected or aggrieved thereby shall be to the governing body as provided in this chapter.

4995. (Repealed by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

4995. This chapter does not prohibit the Reconstruction Finance Corporation or other fiscal agency of the United States from reselling or otherwise disposing of any of the bonds.

Article 5. Powers.

Works.

5000. Any district may acquire, construct, and operate works within or without its limits.

Property.

5001. It may acquire by gift, purchase, condemnation, or otherwise, all lands, rights of way, or other property necessary therefor.

Bonds.

5002. It may issue and sell bonds for the acquisition and construction of works.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL SECTION.]

5002. It may issue and sell bonds to the Reconstruction Finance Corporation or other fiscal agency of the United States for the acquisition and construction of works.

Supervision
and control.

5003. The governing body shall have supervision and control over the construction, acquisition, and operation of the works, and the collection of rates for their use.

Contracts.

5004. The governing body may take all steps and proceedings and make and enter into all contracts or agreements necessary, convenient, or incidental to the performance of its duties or the execution of its powers under this chapter.

Employees.

5005. It may employ engineers, architects, inspectors, superintendents, a manager, collectors, attorneys, and such

other employees as in its judgment are necessary or convenient in the execution of its powers and duties, and may fix their compensation.

5006. The governing body shall establish rules and regulations for the use of the works, including all sewers and works connected therewith, as may be necessary or expedient to insure the successful operation of the works. Rules and regulations.

5007. The governing body shall provide that all public ways or public works damaged or destroyed in carrying out the provisions of this chapter shall be restored or repaired, and placed in their original condition, as nearly as practicable, out of funds provided under this chapter. Public works damaged or destroyed.

5008. In the operation of the works, the district may do any or all of the following: Powers.

(a) Sell, or otherwise dispose of any water, sewage effluent, fertilizer, or other by-products resulting from the operation of a sewerage system or sewage treatment or disposal plant, and construct, maintain, and operate such pipelines and other works as may be necessary for those purposes. By-products.

(b) Construct, maintain, and operate pipelines or such other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works by sale or disposition for agricultural or industrial purposes, including irrigation, or by discharging or spreading the water or sewage effluent in such manner as to percolate into the underground gravels and replenish natural water resources. Works.

(c) Exercise the power of eminent domain under the Constitution and laws of the State in so far as it may be necessary to carry out the provisions of this chapter. Eminent domain.

(d) Make such contracts with the Reconstruction Finance Corporation or other fiscal agency of the United States as are necessary to meet the requirements of the Emergency Relief and Construction Act of 1932. Contracts with United States.

5009. Whenever any community in the district is provided with a sewerage system under this chapter the governing body having jurisdiction over that community shall declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance and shall require all buildings inhabited or used by human beings to be connected with the sewerage system, within ninety days from completion, if the buildings to be served thereby are within one hundred feet of the system. Requiring connection with sewerage system.

5010. All works acquired or constructed under this chapter where the expense involved exceeds five hundred dollars, shall be done by contract which shall be awarded to the lowest responsible bidder as provided in this chapter. If the Work by bids or contract.

bonds are purchased by the Reconstruction Finance Corporation or other fiscal agency of the United States on condition or request that the governing body have the work performed by day labor instead of by contract, the governing body may comply with the condition or request and the work need not be done by contract.

Compliance
with Federal law.
47 Stat.,
709.

5011. The governing body shall comply with all the conditions and requirements of the Emergency Relief and Construction Act of 1932, respecting the employment of labor, and other matters in connection therewith unless they are in conflict with the Constitution and laws of this State.

Notice
inviting
bids.

5012. Before awarding any contract for construction of works the governing body shall cause to be published a notice inviting sealed bids for doing it.

The notice shall refer to the plans and specifications on file. It shall be published twice in a daily, semi-weekly, or weekly newspaper, published and circulated in the district, and designated by the governing body. If there is no newspaper published in the district, and the district is less than a county, the notice shall be published in a newspaper in the county in which the district is located.

The time fixed for receiving bids shall be not less than ten days from the first publication of the notice.

Bids accom-
panied
by check.

5013. All bids shall be accompanied by a certified check payable to the district for an amount that is not less than ten per cent of the aggregate of the bid. No bid shall be considered unless accompanied by the check.

Opening
bids.

5014. The bids shall be delivered to the clerk. The governing body shall, in open session, publicly open, examine, and declare them.

Rejection
of bids.

5015. The governing body may reject all bids if it deems this for the public good, and shall reject all bids other than the lowest regular responsible bidder, and may award the contract to him at the price named in his bid.

Readvertis-
ing for bids.

5016. If the bids are rejected or if no bids are received, the governing body may readvertise for bids as in the first instance without further proceedings.

Forfeiture
of deposit.

5017. If the successful bidder fails, neglects, or refuses for twenty days after written notice of the award has been mailed him to enter into the contract to perform the work, the check accompanying his bid, and the amount therein named, shall be declared forfeited to the district, and shall be collected by it and paid into its general fund.

Faithful
performance
bond.

5018. Each contractor shall, at the time of entering into the contract, execute a surety bond to the satisfaction and

approval of the governing body in a sum not less than twenty-five per cent of the amount of the contract, conditioned upon its faithful performance.

5019. The contract shall provide that the work shall be commenced within twenty days after the contractor has received written notice from the clerk that there is sufficient money or revenue bonds in the special fund provided to pay the contract price.

Commencement of work.

5020. At the time of entering into the contract the contractor shall execute, deliver, and file with the governing body a good and sufficient surety bond, in a sum not less than one-half the total amount payable by the terms of the contract, conditioned upon the payment by the contractor or his subcontractors, for any and all materials, provisions, provender, other supplies, or teams, or the use of implements or machinery used in, upon, or about the performance of the work.

Material-men's bond.

5021. All provisions of the codes and general laws relating to notice and the foreclosure of such liens are applicable, but suit may only be brought on the bond within six months after the expiration of the period for the filing of verified claims.

Foreclosure of lien.

5022. In all respects not otherwise provided for in this chapter the bond shall be in conformity with the requirements of the general law of the State regarding contractor's bonds for the benefit of laborers and materialmen, who shall have a first lien against any moneys or bonds due or about to become due the contractor.

Provisions of bond.

Article 6. Finances.

5025. All necessary preliminary expenses incurred by the governing body in carrying out this chapter, including the making of surveys, plans, and estimates of costs and revenues, compensation of employees, the giving of notices, taking of options, and all other expenses of whatsoever nature, necessary to be paid prior to the issue and sale of the bonds, may be advanced out of the general fund of the district. The general fund shall be fully reimbursed out of the first money received from the sale of the bonds, and before any other disbursements are made therefrom.

Payment of preliminary expense from general fund.

5026. All compensation of employees, and all other expenses, incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter.

Funds for compensation of employees and other expenses.

5027. After reimbursement and repayment to the district of all amounts advanced for preliminary expenses, all money,

Use of bond funds.

other than premiums and accrued interest, received from the sale of bonds shall be applied solely to the cost of the works.

Deposit
of revenues.

5028. The money received from the collection of the rates, together with any other revenue derived from the operation of the works, shall be deposited in a bank by the treasurer in the same manner that public money is deposited by cities. The money so deposited shall be kept as a separate and distinct fund.

Use of fund.

5029. This fund shall be applied as follows:

First, for the payment of the cost of management, maintenance, operation, and repair of the works.

Second, for the required payments into the sinking fund.

Third, the governing body may use any surplus remaining in either or both of the following ways:

(a) For the purchase in the open market of its outstanding unmatured bonds at a price not above par and accrued interest, plus an allowance of six months' interest from date of purchase.

(b) For extensions, or for the enlargement, replacement, or betterment of the works.

Sinking
fund.

5030. Upon the issuance of bonds the governing body shall by ordinance create a sinking fund for the payment of the bonds and interest, and shall set aside a sufficient amount of the net revenue of the works, after paying the expense of operation, repair, and maintenance, to provide for all of the following:

(a) The interest upon bonds.

(b) The payment of the bonds.

(c) A margin for safety and for the payment of premiums upon bonds retired by call or purchase, which margin, together with any unused surplus of the margin, carried forward from the preceding year, shall equal ten per cent of all other amounts required to be paid into the sinking fund.

Payments
into sink-
ing fund.

5031. All money received for premium and accrued interest shall be paid into the sinking fund and used for the purposes for which it was created.

Accounts.
Audit.

5032. A district issuing bonds shall install and maintain a proper system of accounts, showing the amount of revenue received and its application. The district shall at least once a year cause the accounts to be properly audited by a competent auditor. The report of the audit shall be open for inspection at all times by any taxpayer, user of the works, holder of bonds, or any representative of such person.

Treasurer.

5033. The treasurer is custodian of the funds derived from income received from the works constructed or acquired under the provisions of this chapter.

5034. The treasurer shall give a proper surety bond for the faithful discharge of his duties as custodian, which bond shall be fixed and approved by the governing body. The premium on the surety bond shall be paid by the district.

Treasurer's
bond.

Article 7. Rates and Collection.

5040. The governing body shall establish just and equitable rates for the use and maintenance of the works, to be paid by the person leasing or occupying the building or premises served thereby or that in any way uses or is served by the works, and may change and readjust the rates from time to time. The rates shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement, and maintenance of the works, and for payment of the sums required to be paid into the sinking fund.

Establish-
ment of
rates.

5041. The governing body shall establish rates that, beyond all reasonable doubt, will bring in sufficient money to meet the interest and principal on all outstanding bonds as they fall due, in addition to the expense of operation.

Amount of
rates.

5042. Whenever it appears that the rates are insufficient to provide enough money to pay the principal and interest, in addition to the operating expenses, and the governing body neglects or refuses to fix adequate rates therefor, any bondholder may petition the superior court for a writ of mandate to compel the governing body to increase the rates to such an extent as will make them sufficient to provide enough money for those purposes.

Court order
to fix rates.

5043. The governing body may establish variable rates for different classes of users, or for different parts of the area, where all or any portion of the sewage works have been previously installed and financed under other laws or methods, so that the variable rates may be most equitable and just to all concerned.

Variable
rates.

5044. However, the rates may only be imposed and collected from the users of all or any portion of such works as are constructed with money derived from the sale of the bonds.

Limitation
on rates.

5045. If the users of all or any portion of any works previously acquired and financed by other methods receive any additional benefits from the construction or operation of all or any portion of the works subsequently constructed or acquired from the proceeds of the bonds, the governing body may impose reasonable rates on the works previously acquired, but only sufficient to cover the value of the additional benefits.

Additional
rates.

5046. No rates shall be established until after a public hearing, at which all the users of the works and owners of

Hearing.

property served or proposed to be served thereby and others interested have opportunity to be heard concerning the proposed rates.

Notice.

5047. After introduction of the ordinance, resolution, or order fixing the rate, and before it is finally enacted, notice of the hearing, setting forth the proposed schedule of rates shall be given by one publication in a newspaper published in the district, if there is such a newspaper, but otherwise in a newspaper having general circulation in the district. The notice shall be published at least ten days before the date fixed in the notice for the hearing. The hearing may be adjourned from time to time.

Adoption of ordinance.

5048. After the hearing the ordinance, resolution, or order establishing rates, either as originally introduced or as modified and amended, shall be passed and put into effect.

Copy of schedule.

5049. A copy of the schedule of the rates shall be kept on file in the office of the clerk, and shall be open to inspection by any interested person.

Extension of rates to new premises.

5050. The rates for any class of users or property served may be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of hearing or notice.

Change of rates.

5051. Any change or readjustment of the rates shall be made in the same manner as the rates were originally established.

Penalty for nonpayment.

5052. If the rate is not paid when due, on the first day of each calendar month thereafter a penalty of ten per cent of the amount of the delinquent rate shall be added.

Collection.

5053. The rates and penalties may be collected in the following manner:

(a) An action may be brought in the name of the district against the person who occupied the property when the service was rendered for the collection of the amount of the delinquent rate and all penalties. A reasonable attorney's fee shall be awarded the plaintiff.

(b) The governing body may provide that the rates shall be collected with the rates for any other utility service rendered by the district and all the rates shall be itemized, billed upon the same bill, and collected as one item.

Additional remedies.

5054. The remedies specified for collecting and enforcing rates are cumulative and may be pursued alternatively or may be used consecutively when the governing body so determines.

If any remedy is invalid, all valid remedies shall remain effectual.

5055. Until the principal and interest of the bonds are fully paid any holder of any bond outstanding at any time may compel the use of any or all of the remedies provided in this chapter.

Bond holder
may compel
collection.

Article 8. Leases.

5060. Any district owning or operating works may contract with one or more other cities, counties, sanitation districts, or sanitary districts for the use of the works, but only to the extent of their capacity and without impairing their usefulness, upon such terms and conditions as may be fixed and approved by ordinances of the respective contracting entities. Contracts shall not be made for a period of more than fifteen years nor in violation of the provisions of the ordinance authorizing the bonds.

Contract
for use
of works.

5061. The governing body of the district may by ordinance establish, change, and adjust rates for the service rendered in the lessee-district by the works, against the owners of the premises served, in the manner provided for establishing, changing, and adjusting rates for the service rendered in the district where the works are owned and operated, and the rates constitute a lien on the property served, and shall be collected as provided for rates made by the owner-district.

Rates for
leased
works.

5062. The necessary intercepting sewers and appurtenant works for connecting the works of the owner-district with the sewerage system of the lessee-district shall be constructed by the owner-district or the lessee-district, or both, upon such terms and conditions as are set forth in the contract, and the cost or that part of the cost which is to be borne by the owner-district may be paid as part of the cost of the works from the proceeds of the bonds unless otherwise provided by the ordinance.

Appurtenant
works in
leased
system.

5063. The income received by the owner-district under the contract shall, if so provided in the ordinance, be deemed to be a part of the revenue of the works. The owner-district shall deduct from the whole cost and expenses such part as shall be paid by the lessee-district pursuant to the provision of the contract; but no rates shall be imposed or collected from the users of the works or portions thereof except in cases where the works or portions thereof have been acquired by means of the bonds, and unless additional benefits will be derived by the users as a result of the contract. In that case the rates shall be only sufficient to cover the value of the additional benefits.

Income from
leased
works.

CHAPTER 6. GENERAL PROVISIONS WITH RESPECT TO SEWERS.

Article 1. Rights of Way for Sewers and Drainage.

Abandonment of easements and rights of way.

5400. The board of supervisors of a county may vacate or abandon easements for sewage or drainage purposes whenever it determines that they are no longer required for public use.

Article 2. Sewage Disposal.

"Sewage."

5410. "Sewage," as used in this article, includes all of the following:

(a) Sewage, garbage, feculent matter, offal, refuse, and filth.

(b) Any animal, mineral, or vegetable matter or substance, offensive, injurious, or dangerous to health.

"Person."

5411. "Person," as used in this article, also includes city, county, and any district.

Permit to discharge sewage.

5412. No person shall, without a permit, discharge sewage into any springs, streams, rivers, lakes, tributaries thereof, wells, or subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes.

Sewer well or farm.

5413. No person shall maintain a sewer well or a sewer farm without a permit.

Sewer permit.

5414. No person, without a permit, shall construct, excavate, or maintain, any privy, vault, cesspool, sewage treatment works, sewer pipes or conduits, or other pipes or conduits, for the treatment and discharge of sewage or impure waters, gas, vapors, oils, acids, tar, or any matter or substance offensive, injurious, or dangerous to health, whereby they shall do any of the following:

(a) Overflow lands.

(b) Empty, flow, seep, drain, condense into or otherwise pollute or affect any waters intended for human or animal consumption or for domestic purposes, or any of the salt waters within the jurisdiction of this State.

Alteration or modification permit.

5415. No person, without a permit, shall add to, modify, or alter any of the plant, works, or system for, or manner or place of, discharge or disposal of any substance regulated by this article.

Pollution from house, camp, or tent.

5416. No person, without a permit, shall construct or maintain any permanent or temporary house, camp, or tent, so near to springs, streams, rivers, lakes, tributaries, or other sources of water supply for domestic or animal use, that the

drainage, seepage, or flow of impure waters, or any other liquids, or the discharge or deposit therefrom of any animal, mineral, or vegetable matter, will pollute the water.

5417. No person, without a permit, shall deposit or discharge into any stream, river, lake, or tributary thereof, or into any subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes, or into or upon any place the surface or subterranean drainage from which may run or percolate into any such stream, river, lake, tributary, or subterranean or other waters, any sewage, or other substance regulated by this article.

Permit to discharge into waters.

5418. No person, without a permit, shall deposit or discharge any sewage, trade wastes, or any animal, mineral, or vegetable matter or substance, offensive, injurious, or dangerous to health in any of the salt waters within the jurisdiction of this State.

Permit to discharge into salt waters.

5419. No person, without a permit, shall maintain a sewer well or sewer farm or permit the overflow of sewerage onto any land whatever.

Permit to operate sewer well or to overflow.

5420. No person, without a permit, shall construct, excavate or maintain any privy, vault, cesspool, sewage treatment works, sewer pipe or conduits, or other pipes or conduits for the treatment and discharge of sewage or any matter offensive, injurious or dangerous to health.

Privy, vault, cesspool, etc.

5421. Any person desiring to secure the permit mentioned in this article may file a petition with the State department.

Petition for permit.

5422. The petition shall contain a complete and detailed plan, description, and history of the existing or proposed works, system, treatment plant, and of any proposed addition to, modification or alteration of any of the plant, works, or system for, or manner or place of, discharge or disposal of sewage.

Contents of permit.

5423. The petition shall contain such other information, and be in such form as the State department prescribes.

Additional information.

5424. At the hearing on the petition witnesses who testify shall be sworn, and evidence, oral and documentary, may be required, a record of which shall be made and filed with the State department.

Hearing.

5425. The State department shall designate the person or persons to conduct the hearing.

Examiner.

5426. The State department shall give the petitioner ten days' notice of the time and place of hearing.

Notice.

The notice may be served by mail.

Investi-
gation.

5427. Upon the filing of a petition that complies with this article a thorough investigation of the proposed or existing works, system, and plant, and all material circumstances and conditions shall be made by the State department.

Necessary
facts.

5428. The permit shall be issued if the State department after investigation and hearing finds that all of the following are true:

(a) The substance being or to be discharged or deposited, is not such that under all the circumstances and conditions it will so contaminate or pollute any stream, river, lake, tributary, or other waters, as to endanger the lives or health of human beings or animals, or constitute a nuisance.

(b) Under all the circumstances and conditions it is necessary so to dispose of the substance.

(c) The petitioner has complied with all orders of the State department issued under this article.

When
permit to
be denied.

5429. The permit shall be denied if the substance being or to be discharged or deposited is such that under all the circumstances and conditions it may so contaminate or pollute such stream, river, lake, tributary, or other waters or lands on which it may be discharged, deposited, or caused to overflow, as to endanger the lives or health of human beings or animals, or constitute a nuisance, or does or may constitute a menace to public health.

When
permit to
be denied.

5430. The permit shall be denied if under all the circumstances and conditions it is not necessary so to dispose of the substance.

Required
changes.

5431. In considering the petition the State department may order petitioner to make such changes as it deems proper for the purposes of this article.

Approved
person to
operate.

5432. The permit may be granted only upon the condition that there be appointed a competent person, to be approved by the State department, and to be paid by the petitioner, who shall take charge of and operate the plant or system so as to secure the results demanded by the State department.

Required
changes and
repairs.

5433. The State department may order any necessary repairs, alterations, or additions to any proposed or existing system, plant, and works in order that the sewage or substance being or intended to be discharged or disposed of shall not contaminate or pollute streams or other water supplies, or endanger the lives, health, or comfort of human beings or animals.

Required
changes in
method.

5434. The State department may order changes of method, manner, and place of disposal, and the installation of treatment works in order that streams and other water supplies

will not be polluted or contaminated, and the works and disposal shall not constitute a menace to health of human beings or animals, or a nuisance.

5435. A temporary permit may be issued by the State department for the period necessary to permit compliance with its orders.
 Temporary permit.

5436. The orders shall designate the period within which the desired changes are to be made.
 Time limit on changes.

5437. The permit does not authorize any act forbidden by any provision of law relative to:
 Acts forbidden.

- (a) The preservation or propagation of fish or game.
- (b) The deposit of debris in streams.
- (c) The obstruction of navigation.

5438. This article does not limit the power of any city or county, to declare, prohibit, and abate nuisances, or limit the power of the State department to declare or abate nuisances.
 Article does not limit abatement of nuisance.

5439. No permit shall be granted by the State department for the construction or use of any sewer well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes.
 Not to pollute domestic water.

5440. Each holder of a permit shall furnish to the State department upon demand a complete report upon the condition and operation of its system, plant, or works.
 Report.

The report shall be made by a competent person designated for the purpose by the State department, and at the sole cost and expense of the holder of the permit.

5441. The State department may make inspections, examinations, and investigations to determine whether any provision of this article is being violated.
 Inspections.

5442. All permits are revocable by the State department at any time or subject to suspension if it determines, as a fact, that the substance discharged or deposited by virtue of the permit causes or may cause a contamination or pollution of waters or land that does or may endanger the lives or health of human beings or animals, or does or may constitute a nuisance.
 Revocation of permits.

5443. Violation of this article may be enjoined by any court of competent jurisdiction at the suit of any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected, or by the State department.
 Enjoining violation.

Public
nuisance.

5444. Anything done, maintained, or suffered, in violation of any of the provisions of this article is a public nuisance, dangerous to health, and may be summarily abated as such.

Sewage
from boats.

5445. It is unlawful for the owner, tenant, lessee, or occupant of any houseboat or boat intended for or capable of being used as a residence, house, dwelling, or habitation, or agent of such owner, tenant, lessee, or occupant to moor or anchor it or permit it to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town, or village, within a distance of two miles above the intake or place where the city, town, or village water system takes water from the river or stream. This section does not apply to the mooring or anchoring of a houseboat when necessary, during transportation, for a period of not longer than one day.

Article 3. Penalties.

Penalty.

5460. Every person who violates any provision of this article, or who fails to obey, observe, or comply with any direction, order, requirement, or demand of the State department, forfeits to the State of California the penal sum of not more than one thousand dollars to be fixed by the court for each and every offense.

Continued
violation.

5461. The continued existence of any violation of this article for each and every day beyond the time stipulated for compliance with any of its provisions or of any order of the State department as provided in this article constitutes a separate and distinct offense.

Civil action.

5462. All penalties shall be recovered by the State in a civil action brought by the State and the penalties when collected shall be paid into the general fund of the State treasury.

Fine.

5463. Violation of this article is a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both.

Repeated
violation.

5464. Each day's violation of this article is a separate and distinct offense.

CHAPTER 7. EFFECT ON PREVIOUS LAWS.

Effect of
repeal of
Stats. 1909,
p. 1011.

5475. No right or obligation accrued by the formation or operation of a municipal sewer district pursuant to the provisions of Chapter 673, Statutes of 1909, is affected by the repeal of that act, and any district organized may continue in existence and subject to that act.

DIVISION VI. SANITARY DISTRICTS.

Part 1. (Repealed by Stats. 1939, Ch. 1124.)

[ORIGINAL PART.]

PART 1. SANITARY DISTRICT ACT OF 1891.

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS.

5500. "District," as used in this part, means a district formed pursuant to this part or pursuant to any law which it supersedes.

5501. "Board" or "district board," as used in this part, means the sanitary board of a district.

5502. "Secretary," as used in this part, means the secretary of a district.

5503. "Assessor" or "sanitary assessor," as used in this part, means the assessor of a district.

5504. "Tax collector," as used in this part, means the tax collector of the county in which a district is located.

5505. "Treasurer," as used in this part, means the treasurer of the county in which a district is formed.

CHAPTER 2. FORMATION.

Article 1. Petition.

5520. Whenever twenty-five persons in any county desire the formation of a sanitary district, they may sign and present a petition to the board of supervisors of the county.

5521. The petition shall contain:

(a) The name of the proposed district.

(b) The boundaries of the proposed district.

(c) A request that the territory within the boundaries be formed into a district as provided by this part.

5522. Each petitioner shall be a resident and freeholder in the proposed district.

5523. When the petition is presented the board of supervisors shall, within thirty days, order an election held.

5524. The order shall:

(a) Fix the day of the election, which shall be within sixty days from the date of the order.

(b) Show the boundaries of the proposed district.

(c) State that at the election there shall be elected a district assessor, and five members of the district board.

5525. The order shall be entered in the minutes of the board of supervisors, and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of the petition, a resident and freeholder in the proposed district.

Article 2. Election on Formation and for Officers.

5540. Except as otherwise specifically provided in this article, the provisions of the chapter of this part on elections govern the election on formation and for officers, and the board of supervisors of the county and the county clerk shall perform the duties conferred on the district board and its secretary, respectively.

5541. A copy of the order calling the election shall be posted for four successive weeks prior to the election, in three public places within the proposed district.

A copy of the order shall be published once a week for four successive weeks prior to the election in a newspaper published in the proposed district, or if there is no such newspaper, then in a newspaper published in the county.

5542. At least fifteen days prior to the election, the board of supervisors shall select one, and may select two, polling places in the proposed district, and shall make all suitable arrangements for the election.

5543. The ballots shall contain the words, "Sanitary district: yes" and "Sanitary district: no," or equivalent words, and the names of the persons to be voted for at the election.

5544. At the election there shall be elected an assessor and the members of the board.

5545. If a majority of the votes cast are in favor of a district, the board of supervisors shall make and cause to be entered in its minutes an order that a district of the name and with the boundaries stated in the petition, setting forth the boundaries, has been established.

The order is conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this part or by law, and of the existence and validity of the district.

5546. If a majority of the votes cast are against formation of the district, the board of supervisors shall by order entered in its minutes, so declare, and no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to the board of supervisors.

CHAPTER 3. OFFICERS.

5560. The officers of the district are an assessor and five members of the board.

5561. The board is the governing power of the district, and exercises all district powers, except the making of an assessment roll in the first instance.

5562. Except as to those members of the board who are elected at the election as a result of which the district was organized, the term of office of each member of the board is two years and each holds office until the election and qualification of his successor.

5563. The five members of the board elected at the election as a result of which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that they shall go out of office as follows:

(a) Three shall serve until the second odd-numbered year after the election on formation, and until the election and qualification of their successors.

(b) Two shall serve until the second even-numbered year after the election on formation, and until the election and qualification of their successors.

5564. Elections for members of the board shall be held as follows:

(a) For three members, every odd-numbered year, beginning with the second odd-numbered year, after the year in which the district is formed.

(b) For two members, every even-numbered year, beginning with the second even-numbered year after the year in which the district is formed.

5565. At its first meeting, or as soon thereafter as practicable, the board shall choose one of its members as president, and another of its members as secretary.

5566. All contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president and countersigned by its secretary.

5567. The board shall hold its meetings, in the district, either in the day or in the evening, as may be convenient.

In case of the absence or inability of the president or secretary to act, the board shall, by order entered upon the minutes, choose a president pro tem., or secretary pro tem., or both, as the case may be.

5568. The members of the board shall receive no compensation.

5569. A general regulation of the board shall be entered in the minutes, and shall be published once a week for one week in a newspaper published in the district, if there is one, and if there is no such newspaper then it shall be posted for one week in three public places in the district.

A subsequent order of the board that the publication or posting has been duly made is conclusive evidence that the publication or posting has been properly made.

A general regulation takes effect upon expiration of the week of publication or posting.

5570. Unless otherwise provided by this part, orders not establishing a general regulation need not be published or posted but shall be entered in the minutes, and the entry shall be signed by the secretary. They take effect upon the entry in the minutes.

5571. The board may instruct the district attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon the district attorney for advice as to any sanitary subject.

The district attorney shall obey the instructions and give advice when requested by the board.

5572. The board may at any time employ special counsel for any purpose.

5573. There shall be an election for assessor in each even-numbered year in which members of the board are elected, and at the same time, place, and manner.

The assessor shall hold office for two years and until the election and qualification of his successor, except that the assessor elected at the election as a result of which the district was organized shall hold office until the election and qualification of his successor.

If at any time a vacancy occurs in the office of assessor, the board shall appoint a suitable person to fill the vacancy until the next election at which an assessor may be elected under this part.

5574. The assessor's duties are fixed by this part and he shall perform such duties and do such acts as are ordered by the board.

5575. The assessor may administer all oaths and affirmations necessary or proper in the performance of his duty.

5576. The assessor shall receive such compensation as is fixed by the board.

CHAPTER 4. DISTRICT POWERS.

Article 1. Generally.

5590. A district may have and use a seal, alterable at the pleasure of the board.

5591. It may sue and be sued by its name.

5592. It may construct, maintain, and keep clean such sewers and drains as in the judgment of the board are necessary or proper.

5593. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property, and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper, and pay for and hold them.

5594. It may make and accept contracts, deeds, releases, and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.

5595. It may pay lawful claims and demands against it.

5596. It may employ and pay all necessary agents and assistants.

5597. It may lay its sewers and drains in any public street or road in the county, and for this purpose enter upon it and make all necessary and proper excavations, restoring it to proper conditions; but if the street or road is in an incorporated city, the consent of the proper city authorities shall first be obtained.

5598. It may call and conduct all necessary or proper elections.

5599. It may compel all residents and property owners in the district to connect their houses and habitations with the street sewers and drains.

5600. It may make and enforce all necessary and proper regulations for:

(a) The removal of garbage.

(b) The cleanliness of the roads and streets of the district.

(c) The purpose of guarding against the spread of contagious and infectious diseases.

(d) The isolation of persons and houses affected with such contagious and infectious diseases.

(e) The notification of the inhabitants of the district of the existence of contagious and infectious diseases.

(f) All other sanitary purposes not in conflict with the laws of the State.

5601. It may do any act necessary or proper to the complete exercise and effect of any of its powers, or for the purposes for which it is formed.

5602. A violation of a regulation or ordinance of a district is a misdemeanor punishable by fine not to exceed one hundred dollars, or by imprisonment not to exceed one month, or by both.

Article 2. Application of Other Statutes.

5610. The board may at any time after main sewers, or other sewers, are laid, order and contract for the construction of a sewer in any street or part of a street of the district where a sewer is not already constructed, and may provide by the order that the cost shall be assessed against the property fronting along the line of the sewer.

5611. Where only a portion of the property fronting along the line of the sewer is benefited by the construction of the sewer, the board may

provide by order that the cost of construction of the main sewer shall only be assessed against the property to be benefited.

5612. In case the order is made and the contract is let as provided in this article, the cost of the work and improvement done under the contract is a lien upon and shall be assessed against such blocks, lots, and lands fronting upon the work and improvement as would be assessable for the work and improvement under the provisions of Chapter 153, Statutes of 1885, and supplemental acts, and the manner, method, and mode of assessment and collection of assessments and foreclosure of liens shall be in accordance with the provisions of section six and the following sections of that act and acts supplemental to its provisions.

5613. In the application of Chapter 153 of the Statutes of 1885 to proceedings under this article the terms used in that act and supplementary acts shall have the following meanings:

(a) "City council," means district board.

(b) "Superintendent of streets," and "city engineer," mean the engineer of the district or any other person appointed to perform such duties.

(c) "City," and "municipality," mean district.

(d) "Clerk," and "city clerk," mean secretary.

(e) "Treasurer," and "city treasurer," mean any person or officer who has charge of and makes payment from the funds of the district.

5614. In the application of that act all the powers and duties conferred by that act, and supplemental acts, upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

5615. Before ordering any work done, or improvement made, which is to be assessed against specific property, the board shall pass a resolution of intention describing the work.

The secretary shall cause to be posted conspicuously along the line of contemplated work or improvement, at least three notices of the resolution, not more than three hundred feet apart.

5616. The notice shall, in legible characters, state the fact of the passage of the resolution, its date, and briefly the proposed work or improvement, and refer to the resolution for further particulars.

5617. The secretary shall also cause a similar notice to be published for a period of five consecutive days in a daily newspaper published and circulated in the district, and designated by the board, or by one insertion in a weekly newspaper so published, circulated, and designated.

If there is no newspaper published and circulated in the district, then the secretary shall post the notices in three public places in the district, in addition to the posting along the line of the work or improvement.

5618. Any owner of property fronting upon the proposed work or improvement may make a written objection to it within fifteen days from the first publication of the notice, or from and after the day of the posting of the notice if it can not be published as provided in this article, which objection shall be delivered to the secretary, who shall indorse on it the date of its receipt.

5619. The board shall, at its next meeting after the time for presentation of objections has expired, fix a time for hearing the objections, which time shall be not less than one week thereafter.

The secretary shall thereupon notify the person making the objection, by depositing a notice of the hearing in the post office in the district, or if there is none in the district, then in the nearest one, postage prepaid, addressed to the objector, or his agent, when the objector appears by agent.

5620. At the time specified the board shall hear the objections urged, and pass upon them, and its decision is final and conclusive.

Upon the decision or at the expiration of the fifteen days, if no written objection to the work described has been made by an owner of the property fronting on the work or improvement, the board may order any work done, or improvement made, described in the resolution.

5621. After the board has acquired jurisdiction to do the work and make the improvement, it may order the work done and improvement made, and provide in the order a time for receiving bids, and authorize the president and secretary to enter into a contract for the performance of the work and making of the improvement.

5622. The order shall be published for a period of five consecutive days in a daily newspaper published and circulated in the district, and designated by the board, or by one insertion in a weekly newspaper so published and designated, and if there is no such newspaper published and circulated in the district, it shall be posted in at least three public places in the district.

5623. At the opening of bids the board shall award the contract to the lowest responsible bidder, or may reject any and all bids and readvertise for bids and upon the opening of the bids award the contract to the lowest responsible bidder, unless the board is satisfied there is collusion between bidders in which case it may again reject the bids and again advertise for bids until it is satisfied the bids are fair and not made under collusion or fraud when it shall award the contract.

CHAPTER 5. ELECTIONS.

Article 1. Generally.

5630. The election on the question of formation of a district and all district elections shall be conducted as nearly as practicable in accordance with the general laws, except that the requirements as to the form of ballots and the nomination of candidates do not apply.

5631. Every voter resident within the district or a proposed district for the period requisite to enable him to vote at a general election, is entitled to vote at the district elections.

5632. At district elections the last register of the county shall be used, and any person otherwise entitled to vote whose name is not upon the register is entitled to vote upon producing and filing with the election board a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of the county.

5633. For an election on bonds for sewer construction in annexed territory the board shall select one polling place in the annexed territory.

5634. For all other elections the board shall select one, and may select two, polling places in the district.

5635. For all elections the board shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election.

5636. These election officers constitute the election board in each polling place.

5637. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the voters present may appoint them and they shall conduct the election.

Article 2. Election of Officers.

5650. All elections of officers after the formation of the district shall be held on the first Monday after the first Tuesday in March.

5651. Not less than twenty days before the day of the election the board shall give notice of the election by posting notice in three public places in the district.

The notices shall specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected.

5652. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within twenty-four hours after the closing of the polls.

Within five days after the day of election the board shall canvass the returns, and deliver a certificate of election to each person elected.

Article 3. Bond Elections.

5660. A copy of the order calling a bond election shall be posted for four successive weeks prior to the election in at least three public places in the district. It shall be published for four successive weeks prior to the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in the county.

It is sufficient if the order is published once a week.

5661. The vote shall be by ballot, without reference to the general law in regard to form of ballot.

The ballot shall contain the words, "Bonds—Yes" and "Bonds—No," and the person voting at the bond election shall put a cross (X) after "Yes" or "No" to indicate whether he has voted for or against the bonds.

5662. After the votes have been announced, the ballots shall be sealed and delivered to the board, which shall, as soon as practicable, proceed to canvass them and enter the result in its minutes.

5663. Such entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this part or by law, and of the facts stated in the entry.

Article 4. Annexation Elections.

5670. Notice of an annexation election shall be given by posting a copy of the order calling the election for four successive weeks prior to the election, in three public places within the territory proposed to be annexed, and by publication for four successive weeks prior to the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in the county.

It is sufficient if the order is published once a week.

5671. The ballot shall contain the words, "For Annexation to the Sanitary District," and "Against Annexation to the Sanitary District," and there shall be a voting square to the right of and opposite each proposition.

5672. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president, and the board shall, as soon as practicable, proceed to canvass them. The board shall enter the result upon its minutes.

CHAPTER 6. BONDS.

Article 1. Generally.

5680. A district may issue bonds as provided in this part.

5681. A district may issue bonds for the construction of sewers.

5682. By order entered in its minutes, the board may call an election for the purpose of determining whether bonds shall be issued.

5683. The order calling a bond election shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purpose for which it is to be raised.

5684. If, at the election, two-thirds of the votes cast are in favor of the issuance of bonds as proposed by the board, the board may issue and dispose of the bonds as proposed in the order calling the election.

5685. All bonds issued by the district under the provisions of this part shall be of such denomination as the board determines, except that no bonds shall be of a denomination less than one hundred dollars, nor greater than one thousand dollars.

5686. The bonds shall be payable in lawful money of the United States at the office of the county treasurer and shall bear interest at a rate not exceeding five per cent per annum, which interest shall be payable semi-annually in like lawful money.

5687. Not less than one twentieth part of the total issue of bonds shall be payable each year on a day to be specified by the board.

No bond shall be payable in installments, but shall be payable in full on the date specified by the board.

5688. Each bond shall be signed by the president and countersigned by the secretary of the board. The bonds shall be numbered consecutively beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary.

5689. The bonds shall be disposed of by the board in such manner and in such quantities as may be determined by the board, but no bond shall be disposed of for less than its face value.

5690. The term of bonds issued shall not exceed twenty years.

5691. The outstanding bonds of the district shall not at any one time exceed the sum of seventy-five thousand dollars.

5692. If the result of any bond election is against the issuance of bonds no other election upon the question shall be called or held for one year.

5693. If the result of election upon the question of the issuance of bonds is in favor of the issuance, the board may, in its discretion, before the issuance, commence, in the superior court of the county, a proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by Chapter 34 of the Statutes of 1887, and all the provisions of that act apply to and govern the proceedings commenced by the board, so far as they are applicable; and all proceedings shall be in accordance with the provisions of that act, so far as applicable. The judgment in the proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

Article 2. Sewers for Annexed Territory.

5700. At any time after the annexation of territory the board may issue bonds for the construction of sewers therein in the same manner and for the same purposes as in any other part of the district, except that only qualified electors, resident in the annexed territory for the length of time necessary to enable them to vote at a general election, are entitled to vote.

Article 3. Exchange of Bonds.

5710. Whenever the entire amount of unredeemed bonds issued by a district is presented by the holder to the board there shall be exchanged for and issued in lieu of them to the holder by the board, bonds issued in accordance with this part for the various installments payable on the surrendered bonds, and the new bonds issued in exchange for the old surrendered bonds shall be payable at the same times and place as the installments due under the old bonds.

5711. The new bonds shall be payable as nearly as practicable at the same time as the installments on the old bonds and in equal amounts.

Interest on the new bonds shall be paid at the same time and rate as on the old bonds.

The amount of new bonds payable in any one year shall equal the amount of the installments on the old bonds payable in that year.

5712. All expenses of the exchange shall be borne by the holder of the bonds presented for exchange.

5713. Upon the exchange being effected the old bonds shall be canceled by punching holes in the signatures, and shall be retained by the treasurer.

CHAPTER 7. FINANCES AND TAXATION.

Article 1. Generally.

5730. Except as otherwise provided in this part, no more than fifteen cents on each one hundred dollars assessed valuation shall be levied for all the purposes of any one year, besides what shall be required for the payment of the principal and interest for that year upon bonds.

5731. The board may by order prescribe the time and manner of assessing, levying, and collecting taxes for district purposes, except as otherwise provided in this part.

5732. District taxes may be assessed, levied, and collected for any or all of the following purposes:

- (a) To pay the principal and interest of the bonds issued by it.
- (b) To pay the cost of laying and the expense of maintaining any sewer that may be constructed subsequent to the issuance of the bonds.
- (c) To pay any lawful claim against the district.
- (d) To pay the running expenses of the district.

5733. The property in annexed territory shall be taxed, together with the remainder of the district, to pay its proportion of the unpaid bonded or other indebtedness of the district existing at the time of the annexation incurred for the cost of construction, estimated as provided in this part, of main sewers already constructed in the district, and also to pay the running expenses of the district.

5734. The engineer of the district, or other person performing those duties, shall, when required by the board, estimate the unpaid cost of construction of all main sewers, already constructed in the district at the time of the annexation, and the estimate when approved by the board is final and conclusive and is the basis upon which the board shall tax annexed territory.

5735. The board shall annually levy a tax upon the taxable property in the district sufficient to pay the interest on the bonds for the year, as it falls due, and also to pay one-twentieth of the principal of the bonds, so that the entire amount of principal and interest of the bonds shall be paid at or before maturity, and in any event within twenty years from the date of the issuance of the bonds.

5736. The board shall annually levy a tax upon the taxable property in the annexed territory sufficient to pay the interest of the bonds issued for sewer construction in the annexed territory for that year, and such portion of the principal as is due or is to become due during the year, so that the entire amount of the principal and interest of the bonds shall be paid within twenty years from the date of the issuance of the bonds.

5737. If any portion of the tax for any year remains unpaid, and any portion of the interest or principal due for any year remains unpaid, it shall be added to the levy for the next year, and shall be collected and paid accordingly.

5738. If, for any reason, any portion of the tax on property in annexed territory for any year remains unpaid, and any portion of the interest or principal due on bonds for sewer construction in the annexed territory for any year remains unpaid, it shall be added to and levied for the next year, and shall be collected and paid accordingly.

5739. The payment of the principal and interest of all of the bonds, within twenty years from their issuance, is the obligation of the district; and, if necessary for that purpose, a special tax shall be levied.

Article 2. Assessment by District Assessor.

5750. Before the first Monday in July of each year, the assessor shall make up an assessment roll of all the tangible real and personal property in the district.

5751. The roll shall contain:

(a) A brief and general description of the property.

(b) An assessment of its value.

(c) The name of the owner.

(d) Such other matters as may be required by the board.

(e) Such matters as are necessary to make the roll conform to the general laws of the State.

5752. Land shall be assessed separately from improvements.

5753. No mistake in the name of the owner of any property, or any informality in the description or in other parts of the assessment, shall invalidate the assessment.

5754. The assessor shall verify the roll by his oath, before an officer authorized to administer oaths, and shall deposit it with the board on the first Monday of July of each year, or as soon thereafter as is practicable.

Article 3. Equalization of Assessments.

5760. On the first Monday of July at seven-thirty p.m. the board shall meet as a board of equalization.

5761. If the district assessor has returned the assessment roll for the year the board shall proceed to equalize the property so assessed and returned by him.

5762. If the assessment roll has not been returned by the district assessor the board shall adjourn from day to day until the roll has been returned, and for the purpose of adjournment one or more of the members of the board present may make and announce the adjournment.

5763. When the assessment roll has been returned by the assessor, the district board shall equalize the assessments, and the board shall continue in session as a board of equalization with reasonable intermissions until the roll has been examined, rectified, and equalized.

5764. The board may hear complaints as to the proceedings of the district assessor and adjudicate and determine the controversy, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board.

Article 4. Levy of Tax.

5770. After the equalization of the assessments has been completed, the board shall, by resolution, fix the rate of taxation for district purposes, designating the number of cents on each one hundred dollars to be levied for each fund, and shall designate the fund into which the proceeds shall be paid.

5771. After the entry in the minutes of the resolution fixing the rate of the tax, the board shall cause the district assessor to compute the amount of the tax upon each piece of taxable property, and enter the amount on the assessment roll.

5772. When so completed, the roll shall be verified by the district assessor and signed by the president and secretary.

The amount of the tax then is a lien on the property against which it is assessed, and has the effect of a judgment against the owner.

The lien has the force and effect of an execution duly levied against all the property of the delinquent, and is not satisfied and the lien is

not extinguished until the taxes are paid or the property sold to satisfy them.

The statute of limitations shall not apply.

Article 5. Collection.

5780. As soon as practicable, but not later than the third Monday in July, after the taxes have been computed and extended on the assessment roll, verified by the district assessor, and signed by the president and secretary of the board, the board shall transmit, or cause the assessor to transmit, a duplicate of the roll so made, to the tax collector of the county.

5781. The tax collector shall collect the taxes shown to be due, in the same manner as he collects the county taxes.

5782. All the provisions of the laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of their payment, so far as applicable, apply to the collection of district taxes.

5783. The board may direct the district attorney of the county to commence and prosecute suits for the collection of the whole or any portion of the delinquent taxes.

The district attorney shall carry out such directions of the board.

The district attorney and the sureties on his official bond are responsible for the due performance of the duty imposed upon him by this part.

5784. All money collected for district purposes by the district attorney under this part shall be at once paid to the county treasurer.

5785. The board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which shall have the force of law.

5786. The tax collector shall immediately pay to the county treasurer all money collected by him for district purposes, and the treasurer shall keep it in the county treasury, as provided in this part.

5787. The tax collector and the sureties on his official bond are responsible for the due performance of the duties imposed upon him by this part.

Article 6. Redemption.

5800. Whenever any property is sold for delinquent district taxes, under the provisions of this part, the tax collector shall file with the county recorder at the expense of the purchaser a copy of the certificate of the sale.

5801. When redemption is made of any property that has been sold for delinquent district taxes the redemption officer of the district, or other person performing such duties, shall immediately forward a copy of the redemption certificate to the county recorder.

The county recorder shall inscribe or stamp upon the margin of the certificate of sale of the property then on file in his office, the word "redeemed," together with the date, the amount paid, and the name of the party redeeming the property.

5802. When the tax collector issues a deed for property sold for delinquent district taxes to the purchaser, the tax collector shall forward a copy of the deed to the county recorder.

The county recorder shall write or stamp upon the margin of the certificate of sale of the property on file in his office, the words "Deeded to," together with the date, and the name of the party to whom the deed is issued.

5803. If property on which district taxes are delinquent is, on account of such delinquency, sold by the tax collector, and if a deed is issued to any person other than the State, the party who is of record as the owner of the property at the time of the sale and of the issuance of the deed, may redeem the property from the tax title purchaser, at any time within five years after the issuance of the deed, by the payment to the tax title purchaser of the amount for which the property was sold to him by the tax collector and an additional premium which shall not be greater than one hundred per cent of the purchase price.

5804. No person who has purchased at a delinquent tax sale any property that is sold for delinquent district taxes, shall demand for its redemption any sum greater than the amount specified in this part.

5805. The buyer shall redeem the property to the party who was the owner at the time of the delinquent tax sale, when proper tender is made, within five years after date of the sale, of an amount which shall not be greater than the amount specified in this part.

Article 7. Funds.

5815. In a fund called the "bond fund of _____ district" (naming it) the county treasurer shall keep the money levied by the board for that fund.

5816. No part of the money in the bond fund may be transferred to any other fund or used for any purpose other than the payment of the principal and interest of the bonds of the district while any bonds are unpaid.

5817. In a fund called the "running expense fund of the _____ district" (naming it) the treasurer shall place and keep the money levied by the board for that fund.

5818. The whole or any part of the money in the running expense fund shall be transferred to the bond fund, or to any other fund provided for in this part, on the order of the board.

5819. The treasurer shall pay out money of the district only upon the written order of the sanitary board, signed by the president and countersigned by the secretary. The order shall specify the name of the person to whom the money is to be paid, the fund from which it is to be paid, and shall state generally the purpose for which the payment is to be made.

The order shall be entered in the minutes of the board.

5820. The treasurer shall keep the order as his voucher, and shall keep a specific account of receipts and disbursements for the district.

5821. The treasurer shall keep the money arising from the sale of bonds for sewer construction in the district in the "sewer construction fund of _____ sanitary district" (naming it).

5822. The proceeds of the sales of bonds for sewer construction in the district shall be deposited with the treasurer to be placed by him in the fund to be called the "sewer construction fund of _____ sanitary district" (naming it).

5823. The proceeds of the sale of bonds for sewer construction in annexed territory shall be deposited with the treasurer to be placed by him in "the sewer construction fund of annexed territory of _____ sanitary district" (naming it).

5824. The money in "the sewer construction fund of annexed territory of _____ sanitary district" (naming it) shall be used for the purposes indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; except that if after those purposes are entirely fulfilled any balance remains in the fund, the balance may by the order of the board be transferred to the "bond, interest, and redemption fund" for the redemption of bonds and the payment of interest thereon.

5825. The money in the sewer construction fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; except that if after those purposes are fulfilled any balance remains in the fund it may, upon the order of the board, be transferred to any other fund provided by this part.

5826. All money received after dissolution shall be placed in the bond and interest fund or be used for making extensions in the district.

5827. All fines for the violation of any regulation or order of the board shall, after the expenses of the prosecution are deducted and paid, be paid to the secretary, who shall forthwith deposit them with the treasurer, who shall place them in the "running expense fund" of the district.

5828. The county treasurer and sureties upon his official bond are liable for the due performance of the duties imposed upon him by this part.

CHAPTER 8. ANNEXATION.

5840. Contiguous territory in the same county as a district may be annexed to the district in the manner provided in this part.

5841. A petition signed by the owner or owners representing more than one half of the assessed valuation of the territory proposed to be annexed as shown by the last equalized assessment roll of the county shall be presented to the board.

Each petitioner shall be a resident and freeholder in the territory proposed to be annexed.

5842. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll, and shall state that the territory is not within the limits of any other district, and shall ask that the territory be annexed to the district.

5843. The petition shall be accompanied by a bond for the sum of not less than one hundred dollars, to be approved by the board and filed with the treasurer as security for the payment by the petitioners of the reasonable costs of the election on annexation, if at the election less than two thirds of the votes cast are in favor of annexation.

5844. When the petition is presented and a bond approved and filed, the board shall within thirty days thereafter order an election held for the purpose of determining whether or not the proposed territory shall be annexed.

5845. The order shall fix the day of the election, which shall be within sixty days from the date of the order, and shall show the boundaries of the proposed district.

5846. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was qualified to sign at the time of the signing and presentation of the petition.

5847. If, at the election, two thirds of the votes are in favor of annexation, the board shall pay the expenses of the election from the proper funds of the district and shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition. The petition shall thereupon be transmitted to and filed with the board of supervisors.

5848. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature required by this part or by law, and of the facts stated in the entry.

5849. The board of supervisors, at its next regular meeting after the filing of the petition, shall by an order alter the boundaries of the district and annex to it the territory described in the petition.

5850. The order is conclusive evidence of the validity of all prior proceedings leading to the annexation and recited in the order, and from and after the making of the order the territory is a part of the district.

5851. If at the election less than two thirds of the votes are in favor of annexation, the signers of the petition shall, within ten days after canvassing of the votes of the election, pay to the board the reasonable cost of the election, and if the money is not paid within ten days, the board may sue on the bond to recover the cost of the election.

5852. If the result of the election is against annexation, the board shall by order entered in its minutes disapprove the petition and no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition except to collect the cost of the election.

CHAPTER 9. DISSOLUTION.

5860. A district may be dissolved upon the vote of two thirds of its qualified electors, upon an election called by the district board upon the question of dissolution.

The election shall be called and conducted in the same manner as other elections of the district.

5861. If at the time of dissolution there is no unpaid bonded indebtedness, the property of the district shall vest in any city in occupation of a considerable portion of the territory of the district, and if there is no such city then the property vests in the board of supervisors of the county until the formation of such a city at which time the property vests in the city.

5862. If at the time of the election to dissolve the district there is an outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes except the levy and collection of taxes for the payment of the indebtedness.

5863. From the time the district is dissolved until its bonded indebtedness, with the interest thereon, is paid, the governing body of the city, or the board of supervisors, if there is no such city, is the ex officio board of the district.

5864. The ex officio boards shall levy such taxes and perform such other acts as are necessary in order to raise money for the payment of the bonded indebtedness and the interest thereon.

5865. The ex officio board shall maintain the sewer system installed in proper condition, and shall fulfill and compel fulfillment of all contracts made by the district for the right of connection made with property lying outside of the boundaries of the district.

5866. The ex officio board shall maintain and protect all other rights acquired by the district.

5867. The ex officio board shall not permit connection to be made with the system by property outside of the boundaries of the district

existing at the time of dissolution, unless the owner of the property agrees to pay annually from the time of connection his property's pro rata of the tax levied to pay any existing bonded indebtedness as though the property affected were within the boundaries of the district at the time of dissolution.

Part 2. (Repealed by Stats. 1939, Ch. 1124.)

[ORIGINAL PART.]

PART 2. SANITARY DISTRICT ACT OF 1919.

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS.

5901. "District," as used in this part, means a district formed pursuant to this part or pursuant to any law which it supersedes.

5902. "Board" or "district board," as used in this part, means the sanitary board of a district.

5903. "Secretary," as used in this part, means the secretary of a district.

5904. "Assessor" or "sanitary assessor," as used in this part, means the county assessor while acting ex officio as the assessor of a district.

5905. "Tax collector," as used in this part, means the tax collector of the county in which a district is located.

5906. "Treasurer," as used in this part, means the treasurer of the county in which a district is formed.

CHAPTER 2. FORMATION.

Article 1. Petition.

5925. Whenever twenty-five persons desire the formation of a sanitary district within the county, they may sign and present to the board of supervisors of the county a petition.

5926. The petition shall contain:

(a) The name of the proposed district.

(b) The boundaries of the proposed district.

(c) A request that the territory within the boundaries be formed into a district as provided by this part.

5927. Each petitioner shall be a resident and freeholder in the proposed district.

5928. When the petition is presented the board of supervisors shall, within thirty days, order an election held.

5929. The order shall:

(a) Fix the day of the election, which shall be within sixty days from the date of the order.

(b) Show the boundaries of the proposed district.

(c) State that at the election there shall be elected five members of the board.

5930. The order shall be entered in the minutes of the board of supervisors, and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of the petition, a resident and freeholder in the proposed district.

Article 2. Election on Formation and for Officers.

5940. Except as otherwise specifically provided in this article, the provisions of the chapter of this part governing elections govern the election on the question of organizing a district and the election of the first district officers, and the board of supervisors of the county and the county clerk shall perform the duties conferred by that chapter on the district board and its secretary, respectively.

5941. A copy of the order calling the election shall be posted for four successive weeks prior to the election, in three public places within the proposed district.

A copy of the order shall be published once a week for four successive weeks prior to the election in a newspaper published in the proposed district, or if there is no such newspaper, then in a newspaper published in the county.

5942. At least fifteen days prior to the election, the board of supervisors shall select one, and may select five, polling places in the proposed district, and shall make all suitable arrangements for the election.

5943. The ballots shall contain the words, "sanitary district: yes" and "sanitary district: no," or equivalent words, and the names of the persons to be voted for at the election.

5944. At the election there shall be elected the members of the board.

5945. If a majority of the votes are in favor of a district, the board of supervisors shall make and cause to be entered in its minutes an order that a district of the name and with the boundaries stated in the petition, setting forth the boundaries, has been established.

The order is conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this part or by law, and of the existence and validity of the district.

5946. If a majority of the votes are against formation of the district, the board of supervisors shall by order entered in its minutes, so declare, and no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to the board of supervisors.

CHAPTER 3. OFFICERS.

5950. The officers of the district are five members of the board.

5951. The board consisting of five members is the governing power of the district, and exercises all district powers, except the making of an assessment roll in the first instance.

5952. Except as to members of the first board of a new or reorganized district, the term of office of each member of the board is four years and each holds office until the election and qualification of his successor.

5953. As to a district formed or reorganized under the Sanitary District Act of 1919, before the first day of September, 1931, members of the board shall be elected as follows:

(a) Three members shall be elected in September, 1942, and each fourth year thereafter.

(b) Two members shall be elected in September, 1940, and each fourth year thereafter.

5954. As to any district formed on or after the first day of September, 1931, the members of the board elected at the election as a result of which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that they shall go out of office as follows:

(a) Three shall serve until the second year following that in which the district is formed, and until the election and qualification of their successors.

(b) Two shall serve until the fourth year following that in which the district is formed, and until the election and qualification of their successors.

5955. The persons in office at the time of the reorganization of a district reorganized after the first day of September, 1931, are entitled immediately to enter upon the duties of the like offices of the district as reorganized.

The board members shall go out of office as follows:

(a) The three who, before reorganization, were serving terms that would have ended at the same time, shall serve until the second year after that in which the district is reorganized.

(b) The two who, before reorganization, were serving terms that would have ended at the same time, shall serve until the fourth year after that in which the district is reorganized.

5956. As to a district formed or reorganized on or after the first day of September, 1931, members of the board shall be elected as follows:

(a) There shall be an election for three members of the board every four years commencing with the second year after that in which the district is formed or reorganized.

(b) There shall be an election for two members of the board every four years commencing with the fourth year after that in which the district is formed or reorganized.

5957. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president and shall appoint a secretary.

5958. All contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president and countersigned by its secretary.

5959. The board shall hold such meetings, in the district, either in the day or in the evening, as may be convenient.

In case of the absence or inability of the president or secretary to act, the board shall, by order entered upon the minutes, choose a president pro tem., or secretary pro tem., or both as the case may be.

5960. Each member of the board shall receive five dollars for each attendance of the meetings of the board and shall receive no other compensation.

No member of the board shall receive pay for more than one meeting in any calendar month.

5961. The secretary shall receive thirty dollars per month whether he is a member of the board or not.

5962. A general regulation of the board shall be entered in its minutes, and shall be published once a week for one week in a newspaper published in the district, if there is one, and if there is no such newspaper then it shall be posted for one week in three public places in the district.

A subsequent order of the board that publication or posting has been made is conclusive evidence that the publication or posting has been properly made.

A general regulation takes effect upon expiration of the week of publication or posting.

5963. Unless otherwise provided by this part, an order not establishing a general regulation need not be published or posted, but shall be entered in the minutes, and the entry shall be signed by the secretary. It takes effect upon the entry in the minutes.

5964. The board may instruct the district attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon the district attorney for advice as to any sanitary subject.

The district attorney shall obey the instructions and give advice when requested by the board.

5965. The board may at any time employ special counsel for any purpose.

5966. The county assessor is ex officio assessor of the district.

5967. The assessor may administer all oaths and affirmations necessary or proper in the performance of his duty.

CHAPTER 4. DISTRICT POWERS.

Article 1. Generally.

5980. A district may have and use a seal, alterable at the pleasure of the board.

5981. It may sue and be sued by its name.

5982. It may construct, reconstruct, alter, enlarge, lay, renew, replace, and maintain such sewers, drains, septic tanks, and other drainage and sewer disposal systems as in the judgment of the board are necessary or proper.

5983. In all work for construction or repairs of sewers, septic tanks, drains, and other drainage and sewer disposal systems when the expenditure required exceeds the sum of two hundred dollars, it shall be done by contract.

The contract shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in the district, for at least two weeks, or by printing and posting the notice in at least four public places in the district for the same period, as the board may direct.

5984. The notice shall distinctly and specifically state the work contemplated to be done. The board may reject any and all bids presented and readvertise in its discretion.

In cases of emergency the notice may be dispensed with and the contract let for the repairs, or the work may be done by day labor and the material purchased in the open market.

5985. It may, for the purposes specified in this part acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property, and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper, and pay for and hold them.

5986. It may make and accept contracts, deeds, releases, and documents that in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.

5987. It may pay lawful claims and demands against it.

5988. It may employ and pay necessary agents and assistants.

5989. It may lay its sewers, and drains in any public street or road in the county, and for this purpose enter upon it and make all necessary and proper excavations, restoring it to proper conditions; but if the street or road is in a city the consent of the proper city authorities shall first be obtained.

5990. It may call and conduct all necessary and proper elections.

5991. It may compel all residents and property owners in the district to connect their houses and habitations with the street sewers, drains, or other sewerage disposal system.

5992. It may make and enforce all necessary and proper regulations for:

- (a) The removal of garbage.
- (b) The cleanliness of the roads and streets of the district.
- (c) All other sanitary purposes not in conflict with the laws of the State.

5993. It may do any act necessary or proper to the complete exercise and effect of any of its powers, or for the purposes for which it is formed.

5994. A violation of a regulation or ordinance of a district is a misdemeanor punishable by fine not to exceed one hundred dollars or imprisonment not to exceed one month, or both.

Article 2. Sewer Maintenance in Cities.

6005. At any time after the sewer or other sanitary system is constructed the governing body of any city lying within the limits of the district may elect to keep and maintain the lateral sewer lying within the city in order and repair and may enter into an agreement with the board to do so.

After the date of the agreement the city shall keep the lateral in repair and the board is not required to keep it in order or repair.

Article 3. Application of Other Statutes.

6015. The board may order the construction of sewers and appurtenances in the whole or any portion or portions of any one or more of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and may provide that the cost shall be assessed upon the lots and lands fronting, or upon a district to be assessed for the cost.

6016. The provisions of the "Improvement Act of 1911" and the provisions of the "Improvement Bond Act of 1915" are applicable to districts.

6017. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

- (a) "City council," and "council," mean district boards.
- (b) "City," and "municipality," mean district.
- (c) "Clerk," and "city clerk," mean "secretary."
- (d) "Superintendent of streets," "street superintendent," and "city engineer," mean the engineer of the district or any other person appointed to perform such duties.
- (e) "Tax collector," means the county tax collector.
- (f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.
- (g) "Right of way" means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer therein.

6018. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

CHAPTER 5. ELECTIONS.

Article 1. Generally.

6030. The election on the question of formation of a district and all district elections shall be conducted as nearly as practicable in accordance with the general laws, except that the requirements as to the form of ballots and the nomination of candidates do not apply.

6031. Every voter resident within the district or a proposed district for the period requisite to enable him to vote at a general election, is entitled to vote at the district elections.

6032. At an annexation election every qualified elector resident in the district or in the territory proposed to be annexed for the length of time necessary to enable him to vote at a general election may vote.

6033. At district elections the last great register of the county shall be used, and any person otherwise entitled to vote whose name is not upon it is entitled to vote upon producing and filing with the election board a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of the county.

6034. For all elections except on dissolution the board shall select one, and may select not more than five, polling places in the district, and, in the case of an annexation election, in the district proposed to be annexed.

6035. For elections on dissolution the board shall select one and may select two polling places in the district.

6036. For all elections the board shall appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election.

6037. These election officers shall constitute the election board in each polling place.

6038. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the voters present may appoint them and they shall conduct the election.

Article 2. Election of Officers.

6050. All elections of officers after the formation of the district shall be held on the first Monday after the second Tuesday in September.

6051. Not less than twenty days before the day of the election the board shall give notice of the election by posting notices in five public places in the district.

The notices shall specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected.

6052. The name of a candidate shall be printed on the ballot, when a nominating petition has been filed with the secretary.

6053. The nominating petition shall consist of not less than five nor more than twenty signatures.

6054. It shall read substantially as follows:

NOMINATION PETITION.

State of California, }
County of _____, } ss.

I (or we), the undersigned, certify that I join in a petition for the nomination of _____ for the office of _____ of the _____ (naming it) sanitary district _____ to be voted for at the election on the _____ day of _____, 19____. I am a qualified elector, residing in the district. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the above named office I have not signed more petitions than there are places to be filled in the office.

(Signed) _____

State of California, }
County of _____, } ss.

_____, being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

6055. The nominating petition may be upon one or more sheets of paper.

Each petition shall contain the name of only one candidate.

6056. Each signer shall be a qualified elector, residing in the district, and shall not at the time of signing a petition have his name signed to any other petition for any other candidate for the same office nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled.

6057. The petitions shall be verified under oath of one of the signers, that the signatures are the signatures of the persons whose names they purport to be.

6058. A nominating petition may be presented to the secretary not earlier than thirty nor less than twenty days before the election.

6059. The date upon which the petition is presented shall be indorsed on it by the secretary.

6060. When a petition is presented for filing the secretary shall forthwith examine it and ascertain whether or not it conforms to this part.

If found not sufficient it shall be returned to the person who presented it.

6061. The secretary shall cause the ballots to be printed and they shall contain the names of the candidates whose nomination petitions have been filed as provided for in this part.

6062. Where a district has not already been formed the county clerk shall perform the duties of the secretary concerning nominations and ballots.

6063. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within twenty-four hours after the closing of the polls.

Within five days after the election the board shall canvass the returns, and deliver a certificate of election to each person elected.

Article 3. Bond Elections.

6075. Notice of bond elections shall be given by posting notices, signed by not less than a majority of the board, in five public places in the district, not less than twenty days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

6076. The notice shall contain:

- (a) Time and place of holding the election.
- (b) The names of the officers of election appointed to conduct it.
- (c) The hours during the day in which the polls will be open.
- (d) A statement of the purpose for which the election is held.
- (e) The amount and denomination of the proposed bonds, the rate of interest and the number of years the whole or any part of the bonds are to run.

6077. The vote shall be by ballot, without reference to the general election law in regard to form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (+) upon his ballot after "Yes" or "No" to indicate whether he has voted for or against the bonds.

6078. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president and on the seventh day after the election, at eight o'clock p.m., the board shall meet and canvass them and enter the returns in its minutes.

The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature required by this part or by law, and of the facts stated in the entry.

Article 4. Annexation Elections.

6090. Notice of an annexation election shall be given by posting a copy of the order calling the election for four successive weeks prior to the election, in five public places within the district and the district proposed to be annexed, and by publication for four successive weeks prior to the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in the county.

It is sufficient if the order is published once a week.

6091. The ballot shall contain the words, "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each proposition.

6092. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president, and as soon as practicable the board shall proceed to canvass them.

6093. Immediately upon the completion of the canvass the board shall cause a record to be made and entered upon its minutes showing the number of votes cast in the district, the number of votes cast in the territory proposed to be annexed, the number of votes cast in each in favor of annexation, and the number cast in each against annexation.

CHAPTER 6. BONDS.

Article 1. Generally.

6105. A district may issue bonds as provided in this part.

6106. A district may issue bonds to raise money for construction, reconstruction, alteration, laying, renewing, replacing, or enlargement of sewers, drains, septic tanks, or other drainage or sewer systems whether for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of sewage.

6107. By order entered in its minutes and when in its judgment it is advisable, the board may and shall, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether bonds shall be issued.

6108. The order calling a bond election shall be signed by three-fifths of the members of the board. It may submit to the electors as one proposal the question of issuing bonds to make all of the outlays, or so many of them as may be selected, or the order may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.

6109. If, at the election, two-thirds of the votes cast are in favor of the bonds as proposed by the board, the board may issue and dispose of the bonds as proposed in the order calling the election.

6110. All bonds issued by the district under this part shall be of such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred nor greater than one thousand dollars.

6111. The bonds shall be payable in lawful money of the United States at the office of the treasurer, and shall bear interest at a rate not exceeding six per cent per annum, which interest shall be payable semiannually in like lawful money.

6112. Not less than one-fortieth part of the total issue of bonds shall be payable each year, on a day to be specified by the board.

No bond shall be payable in installments, but shall be payable in full on the date specified by the board.

6113. Each bond shall be signed by the president and countersigned by the secretary; the bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary.

6114. The bonds shall be disposed of by the board in such manner and in such amounts as may be determined by it.

No bond may be disposed of for less than its face value.

6115. The term of bonds issued shall not exceed forty years.

6116. The outstanding bonds of the district shall not at any one time exceed fifteen per cent of the assessed value of the real and personal property in the district.

6117. The total amount of bonds issued as a result of any one election shall not exceed ten per cent of the assessed value of all real and personal property in the district, as shown by the last equalized assessment roll of the county.

6118. If the result of any bond election is against the issuance of bonds, no other election upon the question shall be called or held for one year.

6119. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, before issuance, commence in the superior court of the county, a proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by "The California Irrigation District Act" and all supplementary acts. All their provisions apply to and govern proceedings commenced by the board, so far as applicable; and all proceedings shall be in accordance with the provisions of that act, so far as applicable. The judgment in the proceedings has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

Article 2. Sewers for Annexed Territory.

6130. At any time after the annexation of territory, the board may issue bonds for the construction of sewers in the annexed territory in the same manner and for the same purposes as in any other part of

the district, except that only qualified electors resident in the annexed territory are entitled to petition or vote in the proceedings.

6131. None of the provisions of this part with reference to bonds for sewers in annexed territory limit the powers or alter the procedure provided for the issuance of bonds by an entire district and payable out of taxes levied upon all the taxable property in the entire district, whether the boundaries of the district remain as originally established or are altered by annexation.

Article 3. Reconstruction Bonds.

6140. Whenever the board shall by order pass by a vote of three-fifths of all its members, approved by the president and entered in the minutes, determine that the public interest or necessity of the district demands the construction of a larger main sewer or a different system, it may call an election for the purpose of determining whether bonds shall be issued for that purpose.

The proceedings in respect to the issuance of bonds for that purpose shall in every other respect conform to the requirements of this part with reference to bonds for original construction.

Article 4. Exchange of Bonds.

6150. After a district organized under Chapter 161, Statutes of 1891, has been reorganized under this part, the entire amount of unredeemed bonds issued by the district may be presented by the holders to the board, and there shall be issued in exchange for the various amounts of the bonds surrendered, bonds issued in accordance with this part.

6151. The new bonds shall be payable as nearly as practicable at the same time as the installments on the old bonds and in equal amounts.

The amount of the new bonds payable in any one year shall equal the amount of the installments on the old bonds payable in that year.

6152. All expenses of the exchange shall be borne by the holder of the bonds presented for exchange, and interest on the new bonds shall be paid at the same time and rate as on the old bonds.

6153. Upon the exchange being effected the old bonds shall be canceled by punching holes in the signatures, and shall be retained by the county treasurer.

CHAPTER 7. FINANCES AND TAXATION.

Article 1. Generally.

6165. Except as otherwise provided in Article 2 of this chapter, no more than forty cents on each one hundred dollars assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of bond principal and interest for that year.

6166. The board may prescribe the time and manner of assessing, levying, and collecting taxes for district purposes, except as otherwise provided in this part.

6167. District taxes may be assessed, levied, and collected for any or all the following purposes:

- (a) To pay the principal and interest of the bonds issued by it.
- (b) To pay the cost of laying and the expense of maintaining any sewer that may be constructed subsequent to the issuance of bonds.
- (c) To pay any lawful claims against the district.
- (d) To pay the running expenses of the district.

6168. The board shall annually levy a tax upon the taxable property in the district sufficient to pay the interest on bonds for the year, and such portion of the principal as is due or is to become due during the year, so that the entire amount of principal and interest of the bonds shall be paid at or before maturity, and in any event within forty years of the date of issuance of the bonds.

6169. If any portion of the interest or principal due for any year remains unpaid, it shall be added to the levy for the next year, and shall be collected and paid accordingly.

6170. The payment of the principal and interest of all bonds, within forty years from their issuance, is the obligation of the district; and, if necessary to accomplish that purpose, a special tax shall be levied.

6171. Taxes for the payment of the principal and interest of bonds for sewers in annexed territory shall be limited to the taxable property in the annexed territory.

Article 2. Special Sewer Construction Tax.

6185. Where after the construction of the main sewer, an order of the board has been adopted ordering the construction of a sewer in any street, highway, property, or right of way owned by the district where a sewer is not already constructed, and ordering that its cost be borne by the district, the board may, when the cost of such sewer does not exceed two per cent of the assessed value of the property within the district according to the last equalized assessment roll, pay the cost from the proceeds of a special tax to be levied by the board at the regular time of fixing the rate of taxation for the district. This tax shall be in addition to any other tax provided for in this part, and is not subject to the tax limitation fixed in Article 1 of this chapter.

6186. The board shall not levy or cause to be collected the special tax provided for in this article without first giving notice of intention to do so and giving the owners of land situated within the district an opportunity to protest.

6187. The notice shall briefly describe the object for which it is proposed to levy and collect the special tax and shall specify a time and place for hearing of protests, which time shall be not less than twenty days from the day the notice is posted.

The notice shall be posted in not less than ten public places in the district.

6188. At any time before the day specified in the notice for the hearing, any owner of real property within the district may file written objections to the levying of the special tax.

6189. If, upon the hearing, it appears that the owners of real property representing seventy-five per cent or more in value of the real property in the district as shown by the last equalized assessment roll of the county have filed written objections protesting the levy of the tax, the board shall not levy the special tax.

Article 3. Assessment of Taxes.

6200. Before the first Monday in August annually, the assessor shall make out an assessment roll of all the tangible real and personal property in the district.

6201. The assessor shall list separately the tangible real and personal property in any annexed territory.

6202. The roll shall contain:

(a) A description of the property identical with the description of the same properties on the county assessment roll for the current year.

(b) An assessment of its value.

(c) The name of the owner.

(d) Such other matters as are ordered by the board.

(e) Such matters as are necessary to make the roll conform to the provisions of the general laws of the State.

6203. Land shall be assessed separately from the improvements.

6204. When in the judgment of the assessor any property in a district can not be fully served or benefited by the sewer system installed in the district, he shall assess it according to benefits received by it from the sewer system within the district.

6205. No mistake in the name of the owner of any property, or any informality in the description or in other parts of the assessment, shall invalidate the assessment.

6206. The assessor shall verify the assessment roll by his oath, before an officer authorized to administer oaths, and shall deposit it with the board on the first Monday of August of each year, or as soon thereafter as is practicable.

Article 4. Equalization of Assessments by District Board.

6220. On the first Monday of August at seven-thirty p.m. the board shall meet as a board of equalization.

6221. If the assessor has returned the assessment roll for the year the district board shall proceed to equalize the property assessed and returned by him.

6222. If the assessment roll has not been returned by the district assessor the board shall adjourn from day to day until the roll has been returned, and for the purpose of adjournment one or more of the members of the board present may make and announce the adjournment.

6223. When the assessment roll has been returned by the district assessor, the district board shall equalize the assessments and the board

shall continue in session as a board of equalization with reasonable intermissions until the entire roll has been examined, rectified, and equalized.

6224. The board may hear complaints as to the proceedings of the district assessor, adjudicate and determine the controversy, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board.

Article 5. Levy of Tax.

6230. After equalization of the assessment roll has been completed, the board shall by resolution fix the rate of taxation for district purposes, designating the number of cents on each one hundred dollars to be levied for each fund and shall designate the fund into which the proceeds shall be paid.

6231. After the entry in the minutes of the resolution fixing the tax rate the board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the amount on the assessment roll.

6232. When so completed, the roll shall be verified by the assessor and signed by the president and secretary.

The amount of the tax shall then be a lien on the property against which it is assessed, and has the effect of a judgment against the owner.

The lien has the force and effect of an execution duly levied against all the property of the delinquent, and is not satisfied and the lien is not extinguished until the taxes are paid or the property sold to satisfy them.

The statute of limitations shall not apply.

Article 6. Collection.

6245. As soon as practicable, not later than the second Monday in August, after the taxes have been computed and extended on the assessment roll, verified by the assessor, and signed by the president and secretary, the board shall transmit, or cause the assessor to transmit to the tax collector a duplicate of the roll.

6246. The tax collector shall collect the taxes shown to be due, in the same manner as he collects the county taxes.

6247. All laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of their payment, so far as applicable, apply to the collection of district taxes.

6248. The board may direct the district attorney of the county to commence and prosecute suits for the collection of the whole, or any portion of the delinquent taxes.

The district attorney shall carry out such directions of the board.

The district attorney and the sureties on his official bond are responsible for the due performance of the duty imposed upon him by this part.

6249. All money collected for district purposes by the district attorney under this part shall be at once paid to the treasurer.

6250. At any time, by order entered in its minutes, the board may provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which order shall have the force of law.

6251. The tax collector shall immediately pay to the county treasurer all money collected by him for district purposes, and the treasurer shall keep it in the county treasury as provided in this part.

6252. The tax collector and the sureties on his official bond are responsible for the due performance of the duties imposed upon him by this part.

Article 7. Redemption.

6265. Whenever any property is sold for delinquent taxes under the provisions of this part, the tax collector shall file with the county recorder, at the expense of the purchaser, a copy of the certificate of sale.

6266. When redemption is made of any property that has been sold for delinquent district taxes the redemption officer of the district, or other person performing such duties, shall immediately forward a copy of the redemption certificate to the county recorder.

The county recorder shall inscribe or stamp upon the margin of the certificate of sale of the property then on file in his office, the word "redeemed," together with the date, the amount paid, and the name of the party redeeming the property.

6267. When the tax collector issues a deed to the purchaser of property sold for delinquent district taxes, the tax collector shall forward a copy of the deed to the county recorder.

The county recorder shall write or stamp upon the margin of the certificate of sale of the property then on file in his office, the words "deeded to," together with the date, and the name of the party to whom the deed is issued.

6268. If property on which district taxes are delinquent is, on account of the delinquency, sold by the tax collector, and if a deed is issued to any person other than the State the party who is the record owner of the property at the time of the sale and of the issuance of the deed, may redeem the property from the tax title purchaser at any time within five years after the issuance of the deed, by the payment to the tax title purchaser of the amount for which the property was sold to him by the tax collector and an additional premium which shall not be greater than one hundred per cent of the purchase price.

6269. No person who has purchased at a delinquent tax sale any property that is sold for delinquent taxes shall demand for its redemption any sum greater than the amount specified in this part.

6270. The buyer shall redeem the property to the party who was the owner at the time of the delinquent tax sale, when proper tender is made, within five years after date of the sale, of an amount which shall not be greater than the amount specified in this part.

Article 8. Funds.

6280. In a fund called the "bond fund of ----- sanitary district" (naming it) the treasurer shall keep the money levied by the board for that fund.

6281. No part of the money in the bond fund may be transferred to any other fund or used for any purpose other than the payment of the principal and interest of the bonds of the district and for the retirement of bonds that had been issued by a district that formerly formed a part of the district while any bonds are unpaid.

6282. In a fund called the "running expense fund of ----- sanitary district" (naming it) the treasurer shall place and keep the money levied by the board for that fund.

6283. The whole or any part of the money in the running expense fund shall be transferred to the bond fund, or to any other fund provided for in this part, on the order of the board.

6284. The proceeds of the sale of bonds shall be placed at interest by the treasurer and the interest earned together with any other increase shall be used only as provided in this part.

6285. By order entered in its minutes, the board may require the treasurer to place the funds of the district in a bank situated within the district; and the treasurer shall comply with the order.

6286. The treasurer shall also keep an accurate account of all interest earned upon any fund.

6287. All such interest on a fund and increase may be used only in the manner provided for use of the fund from which it has accrued.

6288. If after the purposes for which the fund was created are entirely fulfilled any balance remains in the sewer construction fund, such balance may, upon the order of the board, be transferred to any other fund provided by this part.

6289. The treasurer shall pay out money of the district only upon the written order of the board, signed by the president and countersigned by the secretary.

The order shall specify the name of the person to whom the money is to be paid, the fund from which it is to be paid, and shall state generally the purpose for which the payment is to be made.

The order shall be entered in the minutes of the board.

6290. The treasurer shall keep the order as his voucher, and shall keep a specific account of receipts and disbursements for the district.

6291. The proceeds of the sale of bonds for sewer construction shall be deposited with the treasurer and shall be placed in the fund to be called the "sewer construction fund of ----- sanitary district" (naming it).

6292. The interest at which the funds from the sale of bonds are placed shall not be less than that earned by county funds. The money and all increase in the fund shall be used only for the purpose indicated in the order calling the election upon the question of the issuance of the bonds.

6293. All fines for the violation of any regulation or order of the board shall, after the expenses of the prosecution are deducted, be paid to the secretary, who shall deposit them with the treasurer, who shall place them in the running expense fund of the district.

6294. The county treasurer and sureties upon his official bond are liable for the due performance of the duties imposed upon him by this part.

CHAPTER 8. REORGANIZATION.

6305. A district organized under Chapter 161, Statutes of 1891, may be reorganized as a district under this part.

6306. The governing board of a district organized under Chapter 161, Statutes of 1891, may submit to its electors the question whether the district shall be reorganized under this part.

6307. Notice that the question will be submitted shall be given by posting for four successive weeks prior to the election in three public places in the district, and shall be published for four successive weeks prior to the election in a newspaper printed and published in the district if there is one, and if not, in a newspaper printed and published in the county.

6308. It is sufficient if the notice is published once a week. The notice shall distinctly state the proposition to be submitted and shall invite the electors to vote upon the proposition by placing upon their ballots the words "for reorganization," or "against reorganization," or their equivalent, and there shall be a voting square to the right of, and opposite each proposition.

6309. The votes shall be canvassed by the board as soon as convenient after the election.

6310. If two-thirds of the votes cast at the election are in favor of reorganization, the board shall cause an entry of that vote to be made in its minutes.

6311. From and after the date of the entry the district is deemed to be organized under this part, with all the powers conferred by this part.

6312. A district reorganized under this part shall, for all purposes, be deemed and taken to be in law the identical district previously formed and existing.

6313. Reorganization shall not affect or impair the title to any property owned or held by or in trust for the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district or any proceedings then pending.

6314. Reorganization shall not operate to repeal or affect in any manner any ordinance previously passed or adopted and remaining unrepealed, or to discharge any person from any civil or criminal liability then existing for any violation of any ordinance. Proceedings commenced before reorganization shall after reorganization be conducted in accordance with this part.

CHAPTER 9. ANNEXATION.

6325. Contiguous territory in the same county as a district may be annexed in the manner provided in this part.

6326. A petition signed by twenty-five per cent of the qualified electors residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county shall be presented to the district board.

6327. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll, shall state that the territory is not within the limits of any other district, and shall ask that the territory be annexed to the district.

6328. The petition shall be accompanied by a bond for the sum of not less than one hundred dollars, to be approved by the board and filed with the secretary as security for the payment by the petitioners of the reasonable costs of the election on annexation, in the event that at the election less than a majority of the votes cast are in favor of annexation.

6329. When the petition is presented and a bond approved and filed, the board shall within thirty days thereafter order an election held for the purpose of determining whether or not the territory shall be annexed.

6330. The order shall fix the day of the election, which shall be within sixty days from the date of the order, and shall show the boundaries of the proposed district.

6331. The order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact

that each of the petitioners was at the time of the signing of the petition and the presentation of the petition qualified to sign.

6332. If a majority of the votes in the district and a majority of the votes in the territory proposed to be annexed are in favor of annexation the secretary shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition, and the petition shall thereupon be transmitted to and filed with the board of supervisors.

6333. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature required by this part or by law, and of the facts stated in the entry.

6334. At its next regular meeting after filing of the petition, the board of supervisors shall by an order alter the boundaries of the district and annex to it the territory described in the petition.

6335. The order of the board of supervisors is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is a part of the district.

6336. If at the election less than a majority of the votes in either the district or the territory proposed to be annexed are in favor of annexation of the proposed territory to the district, the signers of the petition shall, within ten days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election, and if the money is not paid within ten days the board may sue on the bond to recover the cost of the election.

6337. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in the minutes, and no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition, except to collect the cost of the election.

CHAPTER 10. DISSOLUTION.

6340. A district may be dissolved upon the vote of two-thirds of its qualified electors at an election called by the district board upon the question of dissolution.

The election shall be called and conducted in the same manner as other elections of the district.

6341. If at the time of dissolution there is no unpaid bonded indebtedness the property of the district lying within the limits of any city shall vest absolutely in the city; and the property of the district lying without the corporate limits of any city shall vest in the board of supervisors of the county until the formation of such a city embracing the territory, at which time the property shall vest in the city.

6342. If at the time of the election to dissolve the district there is any outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes, except the levy and collection of taxes for the payment of the indebtedness and for the payment of the expenses of assessing, levying, and collecting them, and the expense of maintenance of the sewer system.

6343. From the time a district is dissolved, until its bonded indebtedness, and the interest, is paid, satisfied, and discharged, the legislative body of the city, if the property of the district lies wholly within the corporate limits of a city, and in all other cases the board of supervisors are the ex officio governing boards of the district.

6344. The ex officio boards shall levy such taxes and perform such other acts as are necessary to raise money for the payment of the indebtedness and interest, and for the purpose of maintenance of the sewer system.

6345. The ex officio boards shall maintain the sewer system in proper condition and shall fulfill and compel fulfillment of all contracts made by the district for the right of connection with property lying outside of the boundaries of the district.

6346. The ex officio boards shall maintain and protect all other rights acquired by the district.

6347. The ex officio boards shall not permit connection to be made with the system by any property outside of the boundaries of the district at the time of dissolution.

PART 1. SANITARY DISTRICT ACT OF 1923.

(Amended by Stats. 1939, Ch. 1124.)

[ORIGINAL HEADING.]

PART 3. SANITARY DISTRICT ACT OF 1923.

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS.

6400. "District," as used in this part, means a district ^{"District."} formed pursuant to this part or pursuant to any law which it supersedes.

6401. "Board" or "district board," as used in this part, ^{"Board."} means the governing board of a district.

6402. "Secretary," as used in this part, means the secre- ^{"Secretary."} tary of a district.

6403. "Assessor," as used in this part, means the assessor ^{"Assessor."} of a district.

6404. "Tax collector," as used in this part, means the tax ^{"Tax Collector."} collector of the county in which a district is located.

6405. "Treasurer," as used in this part, means the treas- ^{"Treasurer."} urer of the county in which a district is located.

6406. "Garbage," as used in this part, shall include all ^{"Garbage."} of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) anything thrown away as worthless.

(Added by Stats. 1939, Ch. 304.)

6406. No right or obligation accrued by the formation, ^{Effect of} organization, reorganization or operation of a sanitary district ^{repeal.} pursuant to the provisions of Chapter 161 of the Statutes of 1891 or the provisions of the Sanitary District Act of 1919 is affected by the repeal of those acts and any district so organized or reorganized may continue in existence and subject to the act under which it was organized or reorganized or may reorganize pursuant to this part.

(Added by Stats. 1939, Ch. 1124.)

CHAPTER 2. FORMATION.

Article 1. Petition.

6420. Whenever twenty-five persons in any county desire ^{Petition.} the formation of a sanitary district within the county, they may sign and present a petition to the board of supervisors of the county.

- Contents of petition. 6421. The petition shall contain:
(a) The name of the proposed district.
(b) The boundaries of the proposed district.
(c) A request that the territory within the boundaries be formed into a district as provided by this part.
- Petitioners. 6422. Each petitioner shall be a resident and freeholder in the proposed district.
- Verification. 6423. The petition shall be verified by the affidavit of one of the petitioners.
- Publication of petition. 6424. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county.
- Notice of time. 6425. With the petition there shall be published a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

Article 2. Hearing.

- Hearing. 6440. At the time designated the board of supervisors shall hear the petition, and may adjourn the hearing from time to time.
- Modification of boundaries. 6441. The board of supervisors shall not modify the boundaries of the proposed district as set forth in the petition so as to exclude from the proposed district any land which would be benefited by the formation of the district, nor shall there be included in the proposed district any lands which will not in the judgment of the board be benefited.
- Further notice. 6442. If the board of supervisors concludes that any land has been improperly omitted from the proposed district and the owner has not appeared at the hearing, it shall continue the further hearing of the petition, and shall order notice given to the nonappearing owner, requiring him to appear before it and show cause, if any he has, why his land should not be included in the proposed district.
- Publication. 6443. The notice shall be given either by publication in the same manner as the original petition and for the same period, or by personal service on each nonappearing owner.
- Personal service of notice. 6444. If the notice is given by personal service, it shall be given at least three days prior to the date fixed for the further hearing.
- Continuance of hearing. 6445. The board of supervisors may grant further continuances, by order entered in its minutes, to the end that a full hearing may be had.

6446. Upon the final hearing of the petition, the board of supervisors, if it approves the petition as originally presented or in a modified form, shall make an order containing:

Approval
of petition.

(a) A description of the exterior boundaries of the proposed district, as determined by the board of supervisors.

(b) The date on which an election will be held in the proposed district.

6447. The order shall:

Order
calling
election.

(a) Fix the day of the election, which shall be within sixty days from the date of the order.

(b) State that at the election there shall be elected a district assessor, and five members of the board.

6448. The order shall be entered in the minutes of the board of supervisors, and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of the petition, a resident and freeholder in the proposed district.

Entry
of order.

Article 3. Election on Formation and for Officers.

6460. Except as otherwise specifically provided in this article, the provisions of the chapter of this part on elections govern the election on the question of organizing a district and the election of the first district officers, and the board of supervisors of the county and the county clerk shall perform the duties conferred by that chapter on the district board and its secretary, respectively.

Official
duties in
connection
with
elections.

6461. A copy of the order shall be posted for four successive weeks prior to the election in three public places in the proposed district and shall be published once a week for four successive weeks prior to the election in a newspaper published in the proposed district, if there is one, and if not, in a newspaper published in the county.

Posting or
publication.

6462. At least fifteen days prior to the election, the board of supervisors shall select one, and may select two, polling places in the proposed district, and shall make suitable arrangements for the election.

Polling
places.

6463. The ballots shall contain the words, "sanitary district: yes," and "sanitary district: no," or equivalent words, and the names of the persons to be voted for at the election.

Ballots.

6464. At the election there shall be elected an assessor and the members of the board.

Officers
elected.

6465. If a majority of the votes cast are in favor of formation of the district, the board of supervisors shall make and

Formation
upon
election.

cause to be entered in its minutes an order that a district of the name and with the boundaries stated in the order calling the election, setting forth the boundaries, has been established.

The order is conclusive evidence of the fact and regularity of all prior proceedings required by this part or by law, and of the existence and validity of the district.

Failure
to form.

6466. If a majority of the votes cast are against formation of the district, the board of supervisors shall by order entered in its minutes so declare, and no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to the board of supervisors.

CHAPTER 3. OFFICERS.

Officers.

6480. The officers of the district are an assessor and five members of the board.

Powers of
board.

6481. The board is the governing power of the district, and exercises all district powers, except the making of an assessment roll in the first instance.

Terms of
board
members.

6482. Except as to those members of the board who are elected at the election on formation, the term of office of each member of the board is four years and each holds office until the election and qualification of his successors.

Vacancies.

6483. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board.

Staggered
terms.

6484. The members of the board elected at the election as a result of which the district was organized or, if the district is reorganized under this part, then the five members in office at the time of the reorganization, shall at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that they shall go out of office as follows:

(a) Three shall serve until the election held in the first even-numbered year after the year in which the district is formed or reorganized, and until the election and qualification of their successors.

(b) Two shall serve until the second even-numbered year after the district is formed or reorganized, and until the election and qualification of their successors.

Time of
election.

6485. Elections for members of the board shall be held as follows:

(a) For three members every fourth year beginning with the first even-numbered year after the year in which the district is formed or reorganized.

(b) For two members every fourth year beginning with the second even-numbered year after the year in which the district is formed or reorganized.

6486. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and shall appoint a secretary. President and secretary.

6487. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district by its president, and countersigned by its secretary. Signatures.

6488. The board shall hold such meetings, either in the day or in the evening, as may be convenient. Meetings.

In case of the absence or inability of the president or secretary to act, the board shall choose a president pro tem., or secretary pro tem., or both as the case may be.

6489. Each of the members of the board shall receive five dollars for each attendance of the meetings of the board. No member of the sanitary board shall, however, receive pay for more than two meetings in any calendar month. The secretary of the sanitary board shall receive the sum of thirty dollars per month in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board. Compensation.

Each member of the sanitary board shall be allowed seven cents per mile, without any constructive mileage, for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

(Amended by Stats. 1939, Ch. 239.)

[ORIGINAL SECTION.]

6489. Each member of the board shall receive five dollars for each attendance of the meetings of the board and shall receive no other compensation.

No member of the board shall receive pay for more than one meeting in any calendar month.

6490. A general regulation of the board shall be entered in its minutes, and shall be published once in a newspaper published in the district, if there is one, and if not, then it shall be posted for one week in three public places in the district. Publication of regulations.

A subsequent order of the board that publication or posting has been made is conclusive evidence that the publication or posting has been properly made.

A general regulation takes effect upon expiration of the week of publication or posting.

6491. Unless otherwise provided by this part, orders not establishing a general regulation need not be published or posted, but shall be entered in the minutes, and the entry shall be signed by the secretary. Entry of orders.

It takes effect upon the entry in the minutes.

District
attorney.

6492. The board may instruct the district attorney of the county to commence and prosecute any or all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon him for advice as to any sanitary subject; and the district attorney shall obey the instructions and give advice when requested by the board.

Special
counsel.

6493. The board may at any time employ special counsel for any purpose.

Election of
assessor.

6494. There shall be an election for assessor in each even-numbered year in which members of the board are elected, and at the same time, place, and manner.

The assessor holds office for two years, and until the election and qualification of his successor except that the first assessor elected holds office until the election and qualification of his successor.

If a vacancy occurs in the office of assessor, the board shall appoint a suitable person to fill the vacancy until the next election at which an assessor may be elected under this part.

Duties.

6495. The assessor's duties are fixed by this part and he shall perform such other duties as are ordered or required by the board.

Compensation.

6496. The assessor shall receive such compensation as shall be fixed by the board.

CHAPTER 4. DISTRICT POWERS.

Article 1. Generally.

Seal.

6510. A district may use a seal, alterable at the pleasure of the board.

Power to
sue and
be sued.

6511. It may sue and be sued by its name.

Garbage
dump,
sewers, etc.

6512. It may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such garbage dump sites, sewers, drains, septic tanks, and other drainage, garbage, and sewage disposal systems as in the judgment of the board shall be necessary and proper, and in the performance of these functions, either in or out of the district, it may join with any other district, municipality or any other governmental agency.

Approval
of garbage
dump site.

Before any garbage dump shall be established the location shall first be approved by the county health officer, and in addition, if the location is within two miles of any city the consent of the governing body of the city shall first be secured.

(Amended by Stats. 1939, Ch. 304.)

[ORIGINAL SECTION.]

6512. It may construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such sewers, drains, septic tanks, and

other drainage and sewage disposal systems as in the judgment of the board are necessary or proper, and in the performance of these functions, either in or out of the district, it may join with any other district, municipality, or other governmental agency.

6513. It may permit the use of any property of the district by any other district, municipality, or other governmental agency. Use of property by other agencies.

6514. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper to the exercise of its powers, and particularly for the purpose of permitting ingress to and egress from such real or personal property, and pay for and hold them. Acquisition of property.

(Amended by Stats. 1939, Ch. 304.)

[ORIGINAL SECTION.]

6514. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property, and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper, and pay for and hold them.

6515. It may make and accept contracts, deeds, releases, and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district. Contracts.

6516. It may pay lawful claims and demands against it. Payments.

6517. It may employ and pay necessary agents and assistants. Employees.

6518. It may lay its sewers and drains in any public street or road in the county, and for this purpose enter upon it and make all necessary and proper excavations, restoring it to proper condition; but if the street or road is in a city the consent of the proper city authorities shall first be obtained. Sewers in public ways.

6518.5. It may collect waste and garbage. Collect waste and garbage.
(Added by Stats. 1939, Ch. 303.)

6519. It may call and conduct all necessary or proper elections. Elections.

6520. It may compel all residents and property owners in the district to connect their houses and habitations with the street sewers, drains, or other sewerage disposal system. Power to compel use of sewers.

6521. It may make and enforce all necessary and proper regulations for: Regulations.

(a) The removal of garbage.

(b) The cleanliness of the roads and streets of the district.

(c) All other sanitary purposes not in conflict with the laws of this State.

Other
powers.

6522. It may do any act necessary or proper to the complete exercise and effect of any of its powers, or for the purposes for which it is formed.

Penalty.

6523. A violation of a regulation or ordinance of a district is a misdemeanor punishable by fine not to exceed one hundred dollars, imprisonment not to exceed one month, or both.

Article 2. Sewer Maintenance in Cities.

Contract
with city.

6530. At any time after the sewer or other sanitary system is constructed the governing body of any city lying within the limits of the district may elect to keep and maintain the lateral sewer lying within the city in order and repair and may enter into an agreement with the board to do so.

From the date of the agreement the governing body shall keep the lateral in repair and the board is not required to keep it in order or repair.

After a city elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of the city shall not be taxed for running expenses except for the inspection and repairs of the main sewers lying within the city.

Article 3. Application of Other Statutes.

Assessment
of costs
against
fronting lots
or districts.

6540. Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire property, rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special district.

(Amended by Stats. 1939, Ch. 1124.)

[AS AMENDED BY STATS. 1939, CH. 566.]

6540. With the consent of the legislative body having jurisdiction over the territory within which it is proposed so to do, expressed by resolution, the board may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire property, rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special district.

[AS AMENDED BY STATS. 1939, CH. 303.]

6540. Except in cities, the board may order the construction of sewers and lateral extensions and appurtenances in the whole or any

portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special district.

[ORIGINAL SECTION.]

6540. Except in cities the governing bodies of which refuse to consent, the board may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special district.

6541. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to districts.

Applicable statutes.

(Amended by Stats. 1939, Ch. 1124.)

[AS AMENDED BY STATS. 1939, CH. 566.]

6541. The "Improvement Act of 1911," the "Improvement Bond Act of 1915," and the "Street Opening Act of 1903" are applicable to districts.

[ORIGINAL SECTION.]

6541. The "Improvement Act of 1911" and the "Improvement Bond Act of 1915" are applicable to districts.

6541.5. The "Street Improvement Act of 1913" is applicable to and shall govern the issuance of bonds for the construction of lateral extensions of sewers.

"Street Improvement Act of 1913" applicable.

(Added by Stats. 1939, Ch. 303.)

6542. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

Terms in applicable statutes.

- (a) "City council," and "council," mean board.
- (b) "City," and "municipality," mean district.
- (c) "Clerk," and "city clerk," mean secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.
- (e) "Tax collector," means county tax collector.
- (f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.
- (g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

6543. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

Powers of officers.

CHAPTER 5. ELECTIONS.

Article 1. Generally.

6560. The election on the question of formation of a district and all district elections shall be conducted as nearly

Conduct of elections.

as practicable in accordance with the general laws, except that the requirements as to the form of ballots and the nomination of candidates do not apply.

Voters in
district.

6561. Every voter resident within the district or a proposed district for the period requisite to enable him to vote at a general election, is entitled to vote at district elections.

Voters in
annexation
election.

6562. At an annexation election every qualified voter resident in the district or in the territory proposed to be annexed for the length of time necessary to enable him to vote at a general election may vote.

Registration.

6563. At district elections the last great register of the county shall be used, and any person otherwise entitled to vote whose name is not upon the register is entitled to vote upon producing and filing with the election board a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of the county.

Polling
places in
election
for officers.

6564. For elections of officers the board shall select one, and may select not more than five, polling places in the district.

Polling
places in
annexation
election.

6565. For all other elections the board shall select one, and may select two, polling places in the district, and, in case of an annexation election, in the district proposed to be annexed.

Officers of
elections.

6566. For all elections the board shall appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election.

Election
board.

6567. These election officers constitute the election board.

Absent
election
board.

6568. If no election officers are appointed, or if those appointed are not present at the time of the opening of the polls, the voters present may appoint them and they shall conduct the election.

Article 2. Election of Officers.

Date of
elections.

6580. All elections of officers, after the formation of the district shall be held on the first Monday after the second Tuesday in September.

Notice.

6581. Not less than twenty days before the day of the election the board shall give notice of the election by posting notices in three public places in the district.

The notices shall specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected.

6582. The name of a candidate shall be printed on the ballot, when a nominating petition has been filed with the secretary.

Nomination
by petition.

6583. The nominating petition shall consist of not less than five nor more than twenty signatures.

Signatures
on petition.

6584. It shall read substantially as follows:

Form of
petition.

NOMINATING PETITION.

State of California }
County of----- } ss.

I (or we) the undersigned certify that I join in a petition for the nomination of ----- for the office of ----- of the sanitary district (naming it) ----- to be voted for at the election on the ----- day of -----, 19---. I am a qualified elector, residing in the district. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I have not signed more petitions than there are places to be filled in the office.

(Signed)-----

State of California }
County of----- } ss.

----- being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

6585. The nominating petition may be upon one or more sheets of paper.

One or
more sheets.

Each petition shall contain the name of only one candidate.

One
candidate.

6586. Each signer shall be a qualified elector, residing in the district, and shall not at the time of the signing have his name signed to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office.

Signers.

6587. The petitions shall be verified under oath of one of the signers, that the signatures are the signatures of the persons whose names they purport to be.

Verification.

6588. A nominating petition may be presented to the secretary not earlier than thirty nor less than twenty days before the election.

When filed.

Endorsement of date on petition. 6589. The date upon which the petition is presented shall be indorsed on it by the secretary.

Examination of petition. 6590. When a petition is presented for filing the secretary shall forthwith examine it and ascertain whether or not it conforms to this part.

If found not sufficient it shall be returned to the person who presented it.

Ballots to be printed. 6591. The secretary shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this part.

County clerk's duties. 6592. Where a district has not already been formed the county clerk shall perform the duties of the secretary concerning nominations.

Canvass. 6593. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within twenty-four hours after the closing of the polls.

Within five days after the election the board shall canvass the returns, and shall deliver a certificate of election to each person elected.

Article 3. Bond Elections.

Notice of bond election. 6610. Notice of bond elections shall be given by posting notices, signed by not less than a majority of the board, in three public places in the district, not less than twenty days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

Contents of notice. 6611. The notice shall contain:
 (a) Time and place of holding the election.
 (b) The names of the officers of election appointed to conduct it.
 (c) The hours during the day in which the polls will be open.
 (d) A statement of the purpose for which the election is held.
 (e) The amount and denomination of the proposed bonds, the rate of interest and the number of years, the whole or any part of the bonds are to run.

Ballot. 6612. The vote shall be by ballot, without reference to the general law in regard to form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall

put a cross (+) upon his ballot after the "Yes" or "No" to indicate whether he has voted for or against the bonds.

6613. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president of the board, which board shall on the seventh day after the election, at eight o'clock p.m., meet and canvass them and enter the returns in its minutes. Canvass.

The entry is conclusive evidence of the fact and regularity of all prior proceedings, and of the facts stated in the entry.

Article 4. Annexation Elections.

6625. Notice of an annexation election shall be given by posting a copy of the order calling the election for four successive weeks prior to the election, in three public places within the district and the territory proposed to be annexed, and by publication once a week for four successive weeks prior to the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in the county. Notice of election.

6626. The ballot shall contain the words, "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each proposition. Ballot.

6627. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president, and the board shall, as soon as practicable proceed to canvass them. Canvass.

6628. Immediately upon the completion of the canvass the board shall cause a record to be made and entered upon its minutes showing the number of votes cast in the district, the number of votes cast in the territory proposed to be annexed, the number of votes cast in each in favor of annexation, and the number cast in each against annexation. Entry of result.

CHAPTER 6. BONDS.

Article 1. Generally.

6640. A district may issue bonds as provided in this part. Authority.

6641. A district may issue bonds to raise money for: (a) The acquisition, construction, reconstruction, alteration, laying, renewing, replacing, or enlargement of garbage dump sites, sewers, drains, or septic tanks or other garbage, drainage or sewer systems, whether it is for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of garbage or sewage. Purposes.
(Amended by Stats. 1939, Ch. 304.)

[ORIGINAL SECTION.]

6641. A district may issue bonds to raise money for construction, reconstruction, alteration, laying, renewing, replacing, or enlargement

of sewers, drains, or septic tanks or other drainage or sewer system, whether it is for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of sewage.

Order calling election.

6642. By order entered in its minutes, when in its judgment it is advisable, the board may and shall, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether bonds shall be issued.

Requirements of order.

6643. The order calling the election shall be signed by two-thirds of the members of the board, and may submit as one proposal the question of issuing bonds to make all of the outlays, or so many of them as may be selected, or the order may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.

Two-thirds vote required.

6644. If, at the election, two-thirds of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds as proposed in the order calling the election.

Denomination of bonds.

6645. Bonds issued by the district under the provisions of this part shall be of such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred, or greater than one thousand dollars.

Rate of interest.

6646. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding six per cent per annum, payable semi-annually in like lawful money.

Annual payments.

6647. Not less than one-fortieth part of the total issue of bonds shall be payable each year, on a day to be specified by the board.

No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board.

The board may provide that all bonds issued by the district may be subject to retirement at any time prior to maturity.

(Amended by Stats. 1939, Ch. 304.)

[ORIGINAL SECTION.]

6647. Not less than one-fortieth part of the total issue of bonds shall be payable each year, on a day to be specified by the board.

No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board.

Signatures.

6648. Each bond shall be signed by the president and countersigned by the secretary.

Coupons.

The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond.

6649. The bonds shall be disposed of by the board in such manner and in such quantities as may be determined by it in its discretion. Sale.

No bond may be disposed of for less than its face value.

6650. The term of bonds issued shall not exceed forty years. Term of bonds.

6651. The outstanding bonds of the district shall not at any one time exceed fifteen per cent of the assessed value of the real and personal property in the district. Bond limit.

6652. If the result of any bond election is against the issuance of bonds, no other election upon the question shall be called or held for one year. Bonds defeated at election.

6653. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, before issuance, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by "The California Irrigation District Act," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. Determination of validity of bonds.

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

Article 2. Sewers for Annexed Territory.

6660. At any time after the annexation of territory, the board may issue bonds for the construction of sewers therein in the same manner and for the same purposes as in any other part of the district, except, only qualified electors resident within the annexed territory are entitled to petition or vote in the proceedings. Bonds for sewers in annexed territory.

6661. The provisions of this part with reference to bonds for sewers in annexed territory do not limit the powers or alter the procedure provided for the issuance of bonds by an entire district and payable out of taxes levied upon all taxable property whether the boundaries of the district remain as originally established or have been altered by annexation. Provisions are supplementary.

Article 3. Reconstruction Bonds.

6670. Whenever the board shall by order passed by a vote of two-thirds of all its members, approved by the president, and entered in the minutes, determines that the public interest or necessity of the district demands the construction of a larger main sewer or a different system, it may call an Bonds for new or larger system.

election for the purpose of determining whether bonds shall be issued for the determined purpose.

The proceedings in respect to the issuance of bonds for the determined purpose shall in every respect, except as otherwise provided in this section, conform to the requirements of this part with reference to bonds for original construction.

Article 4. Exchange of Bonds.

Exchange
of bonds
upon re-
organization.

6680. After a district organized under the Sanitary District Act of 1891, or Chapter 161, Statutes of 1891, has been reorganized under this part the entire amount of bonds issued by it under either act may be presented by the holder to the board, and there shall be issued in exchange to the holder, by the board, bonds issued in accordance with this part for the various amounts of the bonds surrendered.

Install-
ments.

6681. The new bonds shall be payable as nearly as practicable at the same time as the installments on the old bonds and in equal amounts.

Interest.

Interest on the new bonds shall be paid at the same time and rate as on the old bonds.

Annual
amount
payable.

The amount of the new bonds payable in any one year shall equal the amount of the installments on the old bonds payable in that year.

Expense of
exchange.

6682. The expenses of the exchange shall be borne by the holder of the bonds presented for exchange.

Cancellation
of
old bonds.

6683. After the exchange the old bonds shall be canceled by punching holes in the signatures, and shall be retained by the county treasurer.

Article 5. Refunding Bonds.

(Article 5 added by Stats. 1939, Ch. 304.)

Power
to issue
refunding
bonds.

6690. The board may cause refunding bonds to be issued for the purpose of refunding any or all outstanding bonds of the district.

(Added by Stats. 1939, Ch. 304.)

Purpose of
refunding
bonds.

6691. Refunding bonds shall be issued and delivered only when the bonds to be refunded have matured or are about to mature or are subject to retirement before maturity, or, if the outstanding bonds are not subject to retirement the retirement thereof shall have been assured or obtained by consent of the holders thereof.

(Added by Stats. 1939, Ch. 304.)

Manner
and form.

6692. Except as otherwise provided in this article, refunding bonds shall be issued in substantially the manner and form prescribed for the issuance of other bonds under this

part and the provisions of this part concerning the authorization, certification, issuance, and sale of bonds shall be applicable to bonds issued under this article.

(Added by Stats. 1939, Ch. 304.)

6693. The board desiring to refund any of its bonds may formulate a proposed plan for that purpose and shall call an election for the purpose of authorizing the issuance of such refunding bonds. Election.

The election shall be called and held and the result thereof determined and declared substantially in the same manner as provided by this part for the issuance of other bonds of the district.

(Added by Stats. 1939, Ch. 304.)

6694. Only a majority vote shall be required to authorize the issuance of refunding bonds. Majority vote.

(Added by Stats. 1939, Ch. 304.)

6694.1. The maturity date of refunding bonds shall be fixed by the board but in no case shall the maturity of any such bonds be more than forty years from the date thereof. Maturity date.

(Added by Stats. 1939, Ch. 304.)

6694.2. The rate of interest on refunding bonds shall not exceed 6 per cent per annum payable semiannually. Interest.

(Added by Stats. 1939, Ch. 304.)

6694.3. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of the bonds to be refunded thereby and in addition all expenses incidental to the calling, retiring or payment of such outstanding bonds and the issuance of such refunding bonds. Amount.

(Added by Stats. 1939, Ch. 304.)

CHAPTER 7. FINANCES AND TAXATION.

Article 1. Generally.

6695. Except as otherwise provided in this part, no more than forty cents on each one hundred dollars assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of the bond principal and interest for that year. Tax limit.

(Amended by Stats. 1939, Ch. 1059.)

[ORIGINAL SECTION.]

6695. Except as otherwise provided in this part, no more than fifteen cents on each one hundred dollars assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of the bond principal and interest for that year.

When
board may
prescribe
methods.

6696. The board may prescribe the time and manner of assessing, levying, and collecting taxes for district purposes, except as otherwise provided in this part.

Purposes
of tax.

6697. District taxes may be assessed, levied, and collected for any or all of the following purposes:

(a) To pay the principal and interest of the bonds issued by it.

(b) To pay the cost of acquiring and maintaining any garbage dump site which may be acquired, and the cost of laying and the expense of maintaining any sewer that may be constructed subsequent to the issuance of the bonds.

(c) To pay any lawful claims against the district.

(d) To pay the running expenses of the district.

(Amended by Stats. 1939, Ch. 304.)

[ORIGINAL SECTION.]

6697. District taxes may be assessed, levied, and collected for any or all of the following purposes:

(a) To pay the principal and interest of the bonds issued by it.

(b) To pay the cost of laying and the expense of maintaining any sewer that may be constructed subsequent to the issuance of the bonds.

(c) To pay any lawful claims against the district.

(d) To pay the running expenses of the district.

Amount
of tax.

6698. The board shall annually levy a tax upon the taxable property in the district sufficient to pay the interest on bonds for the year, and such portion of the principal as is due or is to become due during the year, so that the entire amount of principal and interest of the bonds shall be paid at or before maturity, and in any event within forty years of the date of issuance of the bonds.

Unpaid
interest or
principal.

6699. If any portion of the interest or principal due for any year remains unpaid, it shall be added to the levy for the next year, and shall be collected and paid accordingly.

Forty year
bond limit.

6700. The payment of the principal and interest of all bonds, within forty years from their issuance, is the obligation of the district; and, if necessary to accomplish that purpose, a special tax shall be levied.

Special tax.

Property
taxable for
sewers in
annexed
territory.

6701. Taxes for the payment of the principal and interest of bonds for sewers in annexed territory shall be limited to the taxable property in the annexed territory.

Article 2. Assessment by District Assessor.

Assessment
by district
assessor.

6715. Between the first Mondays in March and July annually the assessor shall assess all taxable property in the district to the persons by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock noon of the first Monday in March next preceding.

6716. No mistake in the name of the owner of any property, or any informality in the description or in other parts of the assessment, shall invalidate the assessment. Mistakes.

6717. The assessor shall verify his assessment roll, and shall deposit it with the board on the first Monday in July in each year, or as soon thereafter as is practicable. Verification and deposit of roll.

6718. All the provisions of law relating to assessment of property by county assessor shall, so far as applicable, apply to and govern the acts of the assessor in the assessment of taxable property in the district. Applicable laws.

Article 3. Equalization of Assessments by District Assessor.

6730. Annually, on the first Monday of July at seven thirty p.m. the board shall meet as a board of equalization. Board of equalization.

6731. If the district assessor has returned the assessment roll for the year the board shall proceed to equalize the assessments. To proceed if roll returned.

6732. If the assessment roll has not been returned by the district assessor the board shall adjourn from day to day until the roll has been returned, and for the purpose of adjournment one or more of the members of the board present may make and announce the adjournment. Adjournment.

6733. When the assessment roll is returned by the district assessor, the board shall equalize the assessments, and the board shall continue in session as a board of equalization with reasonable intermissions until the roll has been examined, rectified, and equalized. Duty to equalize.

6734. The board may hear complaints as to the proceedings of the district assessor and adjudicate and determine the controversy. It may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. Hearings. Modification.

Article 4. Levy of Tax.

6745. After the equalization of the assessments has been completed, the board shall, by resolution, fix the rate of taxation for district purposes, designating the number of cents on each one hundred dollars to be levied for each fund and shall designate the fund into which the proceeds shall be paid. Fixing of rate.

6746. After the entry in the minutes of the resolution fixing the rate of the tax the board shall cause the district assessor to compute the amount of the tax upon each item of Computation of tax.

real and personal property, and enter the amount on the assessment roll.

Signatures. 6747. When completed, the roll shall be verified by the district assessor and signed by the president and secretary.

Tax lien. The amount of the tax then is a lien on the property against which it is assessed, and has the effect of a judgment against the owner.

The lien has the force and effect of an execution duly levied against all the property of the delinquent, and is not satisfied and the lien is not extinguished until the taxes are paid or the property sold to satisfy them. The statute of limitations shall not apply.

Article 5. Collection.

Roll trans-
mitted to
tax col-
lector. 6760. As soon as practicable, but not later than the third Monday in August, after the taxes have been computed and extended on the assessment roll, verified by the district assessor and signed by the president and secretary of the board, the board shall transmit, or cause the district assessor to transmit, the roll or a duplicate to the tax collector of the county.

Collection. 6761. The tax collector shall collect the taxes shown to be due, in the same manner as he collects the county taxes.

Applicable
laws. 6762. All the provisions of the laws of the state as to the collection of taxes and delinquent taxes, and the enforcement of their payment, so far as applicable, apply to the collection of district taxes.

Collection
by district
attorney. 6763. The board may direct the district attorney of the county to commence and prosecute suits for the collection of the whole or any portion of the delinquent taxes.

The district attorney shall carry out such directions of the board.

The district attorney and the sureties on his official bond are responsible for the due performance of the duty imposed upon him by this part.

Remittance
by district
attorney. 6764. All money collected for district purposes by the district attorney under this part shall be at once paid to the treasurer.

Collection
system. 6765. The board may at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection.

Remittance
by tax
collector. 6766. The tax collector shall immediately pay to the treasurer all money collected by him for district purposes and the treasurer shall keep it in the county treasury as provided in this part.

6767. The tax collector and the sureties on his official bond are responsible for the due performance of the duties imposed upon him by this part.

Official
bond.

Article 6. Use of County Assessor's Roll.

6780. The board may elect to avail itself of the assessment made by the assessor of the county in which the district is situated, and may take that assessment as the basis for district taxation.

Authority
to use
county
assessment.

6781. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Resolution
of intention.

Until the board by resolution elects otherwise all taxes shall be levied by the board of supervisors of the county in which the district is situated and collected by the county assessor and tax collector of the county.

(Amended by Stats. 1939, Ch. 1059.)

[ORIGINAL SECTION.]

6781. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Until the board by resolution elects otherwise all assessments shall be made and all taxes shall be collected by the county assessor and tax collector of the county.

6782. Following the board's election, the county auditor shall before July 20 of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

Statement
of assessed
value.

(Amended by Stats. 1939, Ch. 1059.)

[ORIGINAL SECTION.]

6782. The county auditor shall on or before the second Monday in August of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll of the county for that year, as equalized and corrected by the county board of equalization.

6783. The board shall then, on or before July 20, estimate the amount of money needed and fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

Fixing rate
of tax.

(Amended by Stats. 1939, Ch. 1059.)

[ORIGINAL SECTION.]

6783. On the third Monday in August, or if that day falls on a holiday, then upon the first business day thereafter, the district board shall fix the rate of taxation for district purposes and for the payment

of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

Designation
of amount
for each
fund.

6784. The board shall designate the number of cents on each one hundred dollars to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll.

Board to
transmit
statement
of rate fixed.

6785. When so determined, the board shall certify to the board of supervisors of the county in which the district is situated the amount of money needed and the rate of taxation fixed. The board of supervisors shall thereafter levy a tax at the rate certified upon all taxable property in the district, at the time of making the levy of county taxes for the particular year.

Levy.

(Added by Stats. 1939, Ch. 1059, which repealed original section.)

[ORIGINAL SECTION.]

6785. No other acts shall be necessary to constitute a valid assessment of the property and a valid levy of the taxes so fixed.

The district board shall immediately transmit to the auditor of the county in which the district is situated a statement of the tax rate fixed.

Computation
of tax.

6786. The auditor shall then compute and enter in a separate column in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

Collection
of tax.

The taxes shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

(Amended by Stats. 1939, Ch. 1059.)

[ORIGINAL SECTION.]

6786. The auditor shall then compute and enter in a separate column in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

The taxes so levied shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

Tax lien.

6787. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

Article 7. Funds.

Bond fund.

6790. In a fund called the "bond fund of sanitary district" (naming it) the treasurer shall keep the money levied by the board for that fund.

6791. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of the principal and interest of the bonds of the district, and for the retirement of bonds that have been issued by a district that formerly formed a part of the district while any bonds are unpaid. Use of bond fund.

6792. In a fund called the "running expense fund of ----- sanitary district" (naming it) the treasurer shall place and keep the money levied by the board for that fund. Running expense fund.

6793. The whole or any part of the money in the running expense fund shall be transferred to the bond fund, or to any other fund provided for in this part, on the order of the board. Transfer of funds.

6794. The treasurer shall pay out money of the district only upon the written order of the board, signed by the president and countersigned by the secretary. Payments.

The order shall specify the name of the person to whom the money is to be paid, the fund from which it is to be paid, and shall state generally the purpose for which the payment is to be made.

The order shall be entered in the minutes of the board.

6795. The treasurer shall keep the order as his voucher, and shall keep a specific account of receipts and disbursements for the district. Accounts.

6796. The proceeds of the sale of bonds shall be deposited with the treasurer and shall be by him placed in the fund to be called the "sewer construction fund of ----- sanitary district" (naming it). Sewer construction fund.

6797. The money in the sewer construction fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose, but, if after those purposes are entirely fulfilled any balance remains in the fund, the balance may, upon the order of the board, be transferred to either of the other funds provided by this part. Use of sewer construction fund.

6798. All fines for the violation of any regulation or order of the board shall, after the expenses of the prosecution are deducted, be paid to the secretary, who shall forthwith deposit them with the treasurer, who shall place them in the running expense fund of the district. Disposition of fines.

6799. The county treasurer and sureties upon his official bond are liable for the due performance of the duties imposed upon him by this part. Official bonds.

Purchase of
unmatured
bonds.

6800. Notwithstanding the provisions of any other section of this article, the board may, out of any surplus funds remaining in the bond fund, the running expense fund or the sewer construction fund, purchase in the open market its outstanding unmatured bonds.

No bonds shall be purchased at a price above par and accrued interest plus an allowance of six months interest from the date of purchase. All bonds so purchased shall be canceled.

(Added by Stats. 1939, Ch. 304.)

CHAPTER 8. REORGANIZATION.

Reorganiza-
tion.

6810. A district organized under Chapter 161, Statutes of 1891, or under the Sanitary District Act of 1919 may be reorganized as a district under this part.

Petition to
reorganize.

6811. To effect the reorganization a petition, signed by not less than twenty-five residents and freeholders within the district, and also by a majority of the members of the district board, shall be presented to the board of supervisors.

Contents of
petition.

6812. The petition shall be verified by at least one of the petitioners in the manner prescribed by law for the verification of pleadings, and shall set forth the boundaries and name of the district and pray that it be reorganized under this part.

Publication.

6813. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, together with a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

Hearing.

6814. At that time the board of supervisors shall hear the petition.

Modification
of bound-
aries.

The board of supervisors shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any land which would be benefited by the reorganization of the district under this part, nor shall any lands which will not in the judgment of the board of supervisors be benefited by the reorganized district be included within the district.

Findings.

6815. If the board of supervisors finds, upon the final hearing of the petition, that the statements therein are correct the board shall make an order approving the petition, describing the boundaries of the territory included within the district, and declaring that the territory is organized as a district under this part.

Order of re-
organization.

6816. From and after the making of the order of reorganization by the board of supervisors, the district is organized under this part with all the powers conferred by this part.

The persons in office at the time of the reorganization are entitled immediately to enter upon the duties of the like offices of the reorganized district and shall continue to serve until the election and qualification of their respective successors in accordance with this part. Officers.

6817. A district reorganized under this part is for all purposes the district previously existing. Effect of reorganization.

6818. Reorganization shall not affect or impair the title to any property owned or held by or in trust for the district, or any debt, demand, liability, or obligation existing in favor of or against the district, or any proceeding then pending. Effect on property.

6819. Reorganization shall not operate to repeal or affect in any manner any ordinance previously passed or adopted and remaining unrepealed, or to discharge any person from any liability then existing for any violation of the ordinance. Proceedings commenced before reorganization shall, after reorganization, be conducted in accordance with this part. Reorganization not to affect rights and liabilities.

CHAPTER 9. ANNEXATION.

Article 1. Generally.

6830. Contiguous territory in the same county as a district may be annexed in the manner provided in this part. Territory may be annexed.

Article 2. Annexation by Election.

6840. A petition signed by twenty-five per cent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county, shall be presented to the board. Petition.

6841. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll; shall state that the territory is not within the limits of any other sanitary district; and shall ask that the territory be annexed to the district. Requirements of petition.

6842. The petition shall be accompanied by a bond in the sum of not less than one hundred dollars, to be approved by the board and filed with the secretary as security for the payment by the petitioners of the reasonable costs of the election on annexation, in the event that at the election less than a majority of the votes cast are in favor of annexation. Expense bond.

6843. The petition shall be verified by the affidavit of one of the petitioners. Verification.

Notice.

6844. The petition shall be published for at least two weeks preceding its hearing in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the time when the petition will be presented to the board and that all persons interested may appear and be heard.

Hearing.

6845. At the time specified for the hearing the board shall hear the petition and may adjourn the hearing from time to time.

Modification
of bound-
aries.

6846. The board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by the annexation of the territory to the district, nor shall any lands that will not be benefited by annexation to the district be included within the boundaries of the territory proposed to be annexed.

Order
calling
election.

6847. Upon the final hearing of the petition the board, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the district.

Order to
set date
and show
boundaries.

6848. The order shall fix the day of the election, which shall be within sixty days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the district.

Effect
of entry
of order.

6849. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of the petition qualified to sign.

Order
approving
petition
after
election.

6850. If a majority of the votes in the district and a majority of the votes in the territory proposed to be annexed, are in favor of annexation the secretary shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition, and the petition shall be transmitted to and filed with the board of supervisors.

Effect
of order
approving
petition.

6851. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law, and of the facts stated in the entry.

Order of
annexation.

6852. The board of supervisors, at its next regular meeting after filing of the petition, shall by an order alter the boundaries of the district and annex to it the territory described in the petition.

6853. The order of the board of supervisors is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is a part of the district.

Effect of order of annexation.

6854. If at the election less than a majority of the votes in either the district or the territory proposed to be annexed are in favor of annexation of the proposed territory to the district, the signers of the petition shall, within ten days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election, and if not paid within ten days, the board may sue on the bond to recover the cost of the election.

Failure of annexation upon election.

Expenses.

6855. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition, except to collect the costs of the election.

No further election for one year.

Article 3. Annexation Without an Election.

6870. Territory contiguous to a district and in the same county may be annexed without an election in the following manner.

Annexation without election.

6871. A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least seventy-five per cent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board.

Petition.

6872. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

Requirements of petition.

6873. The petition shall state that the territory is not in any other sanitary district and shall ask that the territory be annexed to the district.

Petition to ask annexation.

6874. The petition shall be verified by the affidavit of one of the petitioners.

Verification.

6875. It shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county.

Publication.

Notice. 6876. With the petition there shall be published a notice stating the time when the petition will be presented to the board, and stating that all persons interested may appear and be heard.

Hearing. 6877. At the time designated the board shall hear the petition, and any person interested and may adjourn the hearing from time to time.

Modification of boundaries. 6878. Upon the hearing of the petition the board shall determine whether or not it is for the best interests of the district and the contiguous territory that the territory be annexed to the district and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition.

Limitation on power to modify boundaries. 6879. However, the board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by annexation, nor shall any land that would not be benefited by annexation, be included within the boundaries of the territory proposed to be annexed.

District board's approval of annexation. 6880. If the board upon final hearing determines that it is for the best interests of the district and of the territory proposed to be annexed that the territory be annexed, it shall make an order describing the boundaries of the territory proposed to be annexed and shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the annexation of the territory, the finding of the board, and requesting the board of supervisors to annex the territory to the district.

Order of annexation. 6881. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the boundaries of the district and annex to it the territory described in the petition of the board and the territory is then a part of the district.

CHAPTER 10. DISSOLUTION.

Dissolution upon election. 6900. A district may be dissolved upon the vote of two-thirds of its qualified electors, voting at an election called by the district board.

The election shall be called and conducted in the same manner as other elections of the district.

(Amended by Stats. 1939, Ch. 621.)

[ORIGINAL SECTION.]

6900. A district may be dissolved upon the vote of two-thirds of its qualified electors, upon an election called by the district board. The election shall be called and conducted in the same manner as other elections of the district.

6901. If at the time of dissolution there is no unpaid bonded indebtedness, the whole or that portion of the property of the district lying within the limits of a city shall vest in the city subject to the conditions set forth in this article. Vesting of property.

Any portion of the property of the district which is without the corporate limits of any city shall vest in the board of supervisors until incorporation of a city embracing the territory, at which time the property shall vest in the newly incorporated city.

(Amended by Stats. 1939, Ch. 621.)

[ORIGINAL SECTION.]

6901. If at the time of dissolution there is no unpaid bonded indebtedness, the property of the district lying within the limits of a city shall vest in the city.

Any portion of the property of the district which is without the corporate limits of any city shall vest in the board of supervisors until incorporation of a city embracing the territory, at which time the property shall vest in the newly incorporated city.

6901.5. If at any time after dissolution the territory lying without the city is annexed to the city, or if thereafter a city is created or formed which embraces the territory lying without a city, then the property, as it then is, shall pass from the board of supervisors and shall vest in the original city or in the newly created city, as the case may be. Territory annexed to city.

(Added by Stats. 1939, Ch. 621.)

6902. If at the time of the election to dissolve the district there is an outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes except the levy and collection of taxes for the payment of the indebtedness and for the purpose of assessing, levying, and collecting taxes. Outstanding debts.

(Amended by Stats. 1939, Ch. 621.)

[ORIGINAL SECTION.]

6902. If at the time of the election to dissolve the district there is an outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes except the levy and collection of taxes for the payment of the indebtedness and for the payment of the expenses of assessing, levying, and collecting taxes, and the expense of maintenance of the sewer system.

6903. From the time the district is dissolved, until its bonded indebtedness, with the interest, is paid, satisfied, and discharged, the governing body of the city, where the property of the district lies wholly within the limits of a city, and in all other cases the board of supervisors, is the ex officio board of the district. Ex officio board.

6904. The ex officio boards shall levy such taxes and perform such other acts as are necessary for the payment of the indebtedness and the interest, and for such other costs and Duties: Taxation.

expenses incident to the assessing, levying and collection of such taxes.

(Amended by Stats. 1939, Ch. 621.)

[ORIGINAL SECTION.]

6904. The ex officio boards shall levy such taxes and perform such other acts as are necessary for the payment of the indebtedness and the interest, and for the maintenance of the sewer system.

Assessment
and collec-
tion of taxes
by county.

6904.5. The governing body of any city acting as an ex officio board may enter into a contract pursuant to law with the county tax assessor to assess the property in the district, and with the county tax collector to collect the taxes thereon, and the money so collected shall at the usual times of settlement, be transmitted by the county tax collector to the treasurer of the city, and shall be used only for the purpose of paying, satisfying and discharging the outstanding bonds as far as possible, and the payment of the interest thereon, and the expenses of assessing and collecting the taxes.

(Added by Stats. 1939, Ch. 621.)

Maintenance
of system
by city.

6904.6. If a city acquires the whole of the property of the district, or a part of the property, the city shall, at the expense of the city, maintain in proper condition such whole or part of the sewer system within the limits of the city.

(Added by Stats. 1939, Ch. 621.)

Sewer
maintenance.

6905. The ex officio boards shall maintain the sewer system in proper condition and shall fulfill and compel fulfillment of all contracts made by the district for the right of connection made with property lying outside of the boundaries of the district.

Protection
of rights.

6906. The ex officio boards shall maintain and protect all other rights acquired by the district.

Connections.

6907. The ex officio boards shall not permit connection to be made with the system by any property outside of the boundaries of the district as they existed at the time of dissolution.

Where
county
acquires all
or part of
district.

6907.5. If a county acquires the whole or any portion of the district, the board of supervisors shall likewise maintain the system acquired, and the expense thereof is a charge upon such area that lies without the limits of any city.

(Added by Stats. 1939, Ch. 621.)

DIVISION VII. DEAD BODIES.

PART 1. GENERAL PROVISIONS.

CHAPTER 1. DEFINITIONS.

Definitions.

7000. The definitions in this chapter apply to this division and to divisions VIII and IX of this code.

7001. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains. "Human remains" or "remains."

7002. "Cremated remains" means human remains after incineration in a crematory. "Cremated remains."

7003. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes: "Cemetery."

(a) A burial park, for earth interments.

(b) A mausoleum, for crypt or vault interments.

(c) A crematory, or a crematory and columbarium, for cinerary interments.

7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes. "Burial park."

7005. Except in Part 5 of Division VIII of this code, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes. "Mausoleum."

7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains. "Crematory."

7007. Except in Part 5 of Division VIII of this code, "columbarium" means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes. "Columbarium."

7008. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium. "Crematory and columbarium."

7009. "Interment" means the disposition of human remains by cremation, inurnment, entombment, or burial. "Interment."

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7009. "Interment" means the permanent disposition of human remains by cremation, inurnment, entombment, or burial.

7010. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory and the placement of the cremated remains in a grave, vault, or niche. "Cremation."

7011. "Inurnment" means placing cremated remains in an urn and placing it in a niche. "Inurnment."

"Entombment." 7012. "Entombment" means the placement of human remains in a crypt or vault.

"Burial." 7013. "Burial" means the placement of human remains in a grave.
(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7013. "Burial" means the placement of human remains in the ground.

"Grave." 7014. "Grave" means a space of ground in a burial park, used, or intended to be used, for burial.

"Crypt" or "vault." 7015. "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.

"Niche." 7016. "Niche" means a space in a columbarium used, or intended to be used, for inurnment of cremated human remains.

"Temporary receiving vault." 7017. "Temporary receiving vault" means a vault used or intended to be used for the temporary placement of human remains.

"Cemetery authority." 7018. "Cemetery authority" includes cemetery association, corporation sole, or other person owning or controlling cemetery lands or property.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7018. Except in Part 3 of Division VIII of this code, "cemetery authority" includes cemetery association, corporation sole, or other person owning or controlling cemetery lands or property.

"Cemetery corporation," etc. 7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association," mean any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole.

"Cemetery business," etc. 7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property.

"Directors," etc. 7021. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association,

7022. "Lot," "plot," or "interment plot" means space ^{"Lot," etc.} in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.

7023. "Plot owner," "owner," or "lot proprietor," means ^{"Plot owner," etc.} any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7023. "Plot owner," "owner," or "lot proprietor," means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority, or who holds from a cemetery authority a deed or certificate of ownership.

7024. A "burial permit" is a permit, issued pursuant to ^{"Burial permit."} law, for the interment of human remains.

CHAPTER 2. GENERAL PROVISIONS.

7050. In matters relating to communicable diseases, the State department may make and enforce regulations for the embalming, cremation, interment, disinterment and transportation of the dead. ^{Rules and regulations.}

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7050. The State department may make and enforce regulations for the embalming, cremation, interment, disinterment and transportation of the dead.

7051. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it or to dissect it, without authority of law, or from malice or wantonness, is punishable by imprisonment in the State prison for not more than five years. ^{Unlawful removal.}

7052. Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, is guilty of felony. This section does not apply to any person who removes the remains of a relative or friend for reinterment. ^{Unlawful mutilation, etc.}

7053. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, is guilty of a misdemeanor. ^{Attachment for debt, etc.}

Unlawful
deposit or
disposition
of human
remains.

7054. Every person who deposits or disposes of any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7054. Every person who interrs or causes to be interred any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor.

Unlawful
interment
or removal.

7055. Every person, who for himself or for another person, interrs or incinerates a body or permits the same to be done, or removes any remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance from that registration district to another registration district in the same or an adjoining county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred; or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows: (a) for the first offense by a fine of not less than ten dollars nor more than five hundred dollars, (b) for each subsequent offense by a fine of not less than fifty dollars nor more than five hundred dollars or imprisonment in the county jail for not more than sixty days, or by both.

(Amended by Stats. 1939, Ch. 541.)

[ORIGINAL SECTION.]

7055. Every person, who for himself or for another person, interrs or incinerates human remains, or permits the same to be done, or removes any remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance from that registration district to another registration district in the same or an adjoining county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred, or removes incinerated remains from the premises on which the cremation occurred, without the authority of a removal permit is guilty of a misdemeanor and punishable as follows: (a) for the first offense by a fine of not less than ten dollars, (b) for each subsequent offense by a fine of not less than fifty dollars or imprisonment in the county jail for not more than sixty days, or by both.

CHAPTER 3. CUSTODY, AND DUTY OF INTERMENT.

Duty and
cost of
interment

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

7101. When any decedent leaves an estate in this State, the reasonable cost of interment and an interment plot of sufficient size to constitute a family plot and memorial, including reasonable sums for either, or both, general and special perpetual care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from the date of interment, shall be considered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code. Liability of estate.

If a claim for an interment plot or memorial is rejected the burden of proving that the cost of the interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7101. When any decedent leaves an estate in this State, the reasonable cost of interment and an interment plot of sufficient size to constitute a family plot, including reasonable sums for either, or both, general and special perpetual care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from the date of interment, shall be considered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

If a claim for an interment plot or memorial is rejected the burden of proving that the cost of the interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment.

7102. When a person is charged by law with the duty of interment he is entitled to the custody of the remains for the purpose of interment; except that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the remains of the person whose death is the subject of investigation until the conclusion of the autopsy or medical investigation by the coroner. Custody of remains.

Any person in whose possession such remains are found, shall, upon demand by the coroner, surrender such remains to him.

Failure
to interment:
Penalties.

7103. Every person, upon whom the duty of interment is imposed by law, who omits to perform that duty within a reasonable time is guilty of a misdemeanor. In addition, he is liable to pay to the person performing the duty in his stead treble the expenses incurred by the latter in making the interment, to be recovered in a civil action.

Interment
by coroner.

7104. When no provision is made by the decedent, or where the estate is insufficient to provide for interment and the duty of interment does not devolve upon any other person residing in the State or if such person can not after reasonable diligence be found within the State the person who has custody of such remains may require the coroner of the county where the decedent resided at time of death to take possession of such remains and he shall inter the same in the manner provided for the interment of indigent dead.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7104. When no provision is made by the decedent, or where the estate is insufficient to provide for interment and the duty of interment does not devolve upon any other person, it devolves upon the coroner conducting the inquest upon the body of the decedent if any such inquest is held, and if there is no inquest, it devolves upon the person charged with the support of the poor in the county in which the death occurs, and, if no other money is available, the expense shall be paid by the county.

Compelling
interment:
Petition.

7105. If the person vested with the duty of interment fails, refuses or neglects within a reasonable time after death of the decedent to make such interment, a cemetery authority having possession of the remains, or any relative of the decedent, may file a petition in the superior court in the county in which the decedent resided at the time of his death, or in which the remains are located, naming as defendant the person vested with the duty of interment and seeking an order of the court directing the defendant to make interment of the remains.

If no person residing in the State vested with the duty of making interment is known to the petitioner, or if such person after reasonable diligence can not be found within the State, and that fact appears from the petition, the petitioner may make the coroner of the county in which the petition is filed the party defendant.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7105. If the person vested with the duty of interment fails, refuses or neglects within a reasonable time after death of the decedent to make such interment, a cemetery authority having possession of the remains, or any relative of the decedent, may file a petition in the

superior court in the county in which the decedent resided at the time of his death, or in which the remains are located, naming as defendant the person vested with the duty of interment and seeking an order of the court directing the defendant to make interment of the remains.

If no person vested with the duty of making interment is known to the petitioner, and that fact appears from the petition, the petitioner may make the coroner of the county in which the petition is filed the party defendant.

7106. A cemetery authority may seek an order providing for the interment of the remains of one or more decedents. Where a proceeding is commenced involving the remains of more than one decedent the allegations of the petition shall separately state the facts as to each, and the court may make a separate order as to each.

More than one decedent.

7107. Notice of the time and place of the hearing on the petition shall be given as the court may direct. Upon the hearing the court shall make its order providing for the interment of the remains in such manner, at such time, and at such place as the court may determine to be just and proper, and for the best interests of the public health.

Notice of hearing.

7108. If the coroner is directed to make such interment he shall make it in the manner provided by law for the interment of the indigent dead.

Duty of coroner.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7108. If the coroner is directed to make such interment he shall make it in the manner provided by law for the interment of unclaimed bodies.

7109. The court shall allow costs and reasonable attorney's fees against all defendants, other than the coroner.

Costs and fees.

7110. Any person signing any authorization for the interment of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred, and his authority to order interment. He is personally liable for all damage occasioned by or resulting from breach of such warranty.

Warranty.

7111. A cemetery authority may make an interment of any remains upon the receipt of a written authorization of a person representing himself to be any of the following:

Interment by cemetery authority.

(a) The surviving spouse.

(b) A surviving child or parent.

(c) The next of kin.

(d) A person who has acquired the right to control the disposition of the remains.

A cemetery authority is not liable for cremating or making an interment pursuant to such authorization, unless it has actual notice that such representation is untrue.

Action
against
cemetery
authority.

7112. No action shall lie against any cemetery authority relating to the cremated remains of any person which have been left in its possession for a period of five years, unless a written contract has been entered into with the cemetery authority for their care or unless permanent interment has been made.

Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed funeral director shall be liable in damages for any cremated human remains after the remains have been deposited with a cemetery in the State of California.

(Amended by Stats. 1939, Ch. 458.)

[ORIGINAL SECTION.]

7112. No action shall lie against any cemetery authority relating to the cremated remains of any person which have been left in its possession for a period of five years, unless a written contract has been entered into with the cemetery authority for their care or unless permanent interment has been made.

CHAPTER 4. DISPOSAL OF UNCLAIMED DEAD.

Notice:
To relatives.

7200. Every head of a public institution, city or county undertaker, or State, county, or city officer having charge or control of remains to be interred at public expense, shall use due diligence to notify the relatives of the decedent. In the absence of any known relative of decedent desiring to direct the disposition of the remains in a manner other than in this chapter provided, and upon written request of the State department that such notices are required for a definite period specified in the request, such officer shall notify the State department by telegraph collect, immediately after the lapse of twenty-four hours after death, stating, whenever possible the name, age, sex, and cause of death of the decedent.

To State
department.

Medical
history.

7201. The person in charge of a public institution in which the decedent was an inmate shall transmit upon request, to the state department or to any person designated by it, a brief medical history of the unclaimed dead for purpose of identification and permanent record, which records shall be open to inspection by any State or county official or prosecuting attorney.

When
retained
by State
department.

7202. The unclaimed dead retained by the State department for scientific or educational purposes shall be embalmed and disposed of in accordance with the instructions of the State department. Such unclaimed dead shall be held for a period of thirty days by those to whom they may have been assigned for scientific or educational purposes, subject to claim and identification by any authenticated relative of the decedent for purpose of interment or other disposition in accordance with the directions of such relative.

7203. The bodies of the unclaimed dead retained by the State department shall be used solely for the purpose of instruction and study in the promotion of medical, chiropractic, and embalming education and science within the State. Use.

7204. All persons receiving unclaimed dead for educational purposes shall bear all reasonable expense incurred in the preservation and transportation of the dead and shall keep a permanent record of bodies received, giving the identification number, the name, age, sex, nationality, and race, if possible, together with the place of last residence of the decedent and the source and disposition, with dates, of the body. Expense.
Record.

7205. It is unlawful for any person, unless specifically authorized by law, to hold a post mortem examination of any unclaimed dead without the express permission of the State department. Post mortem examinations.

7206. Any person authorized by law to perform post mortem examinations shall permit, with the consent of relatives, or in the absence of such relatives, with the consent of the State department, any representative of the anatomical or pathological departments of an incorporated medical, chiropractic, or osteopathic school or college to obtain at the time of the necropsy, such material in a recent state as may be needed for scientific purposes, if the material is not required for the legal purposes of the State. Permission to use material.

7207. Whenever, through the failure of any person to notify the State department, or promptly to deliver the body of a deceased indigent as required by the State department, such body becomes unfit for scientific or educational purposes, the State department shall so certify and the remains shall be interred at the expense of those guilty of such noncompliance. Body unfit for scientific purposes.

7208. Every person who unlawfully disposes, uses, or sells the body of an unclaimed dead person, or who violates any provision of this chapter is guilty of a misdemeanor. Penalty.

CHAPTER 5. EMBALMING AND TRANSPORTATION.

Article 1. Embalming.

7300. No person shall embalm a body of any person who has died from an unknown cause, except with the permission of the local health officers. When permission required: Unknown cause of death.

(Amended by Stats. 1939, Ch. 126.)

[ORIGINAL SECTION.]

7300. No person shall embalm a body of any person who has died from an unknown cause, except with the written permission of the local health officers.

Crime in
connection
with death.

7301. No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the death until permission of the coroner, or a justice of the peace, if there is no coroner, has been obtained.

Report of
contagious
case.

7302. Every funeral director and embalmer shall immediately report to the local health officer every contagious case on which the funeral director or embalmer may be called.

Embalming
fluids, etc.

7303. No embalming fluid or methods of embalming disapproved by regulation of the State department shall be employed by any person in the case of deaths from contagious, infectious, or communicable diseases, or in cases where the body is to be transported upon a public conveyance for interment or cremation within this State or for transportation to a point without the State.

No embalming fluids shall be used in embalming which:

(a) Contain heavy mineral or metallic substances which have a poisonous effect, such as arsenic and mercury;

(b) Contain less than ten per cent formaldehyde gas.

Every person who violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than five hundred dollars.

(Amended by Stats. 1939, Ch. 126.)

[ORIGINAL SECTION.]

7303. No embalming fluid or methods of embalming not approved by the State department shall be employed by any person in the case of deaths from contagious, infectious, or communicable diseases, or in cases where the body is to be transported upon a public conveyance for interment or cremation within this State or for transportation to a point without the State.

Article 2. Transportation.

Prohibition
when body
not prepared
by licensed
embalmer.

7350. It is unlawful for any person, or common carrier, to receive for transportation any dead human body, unless the body has been prepared by a regularly licensed embalmer in accordance with the rules prescribed by the State department, and is accompanied by a yellow paster in a form approved by it.

Observance
of require-
ments.

7351. The requirements prescribed in this article for the transportation of the dead shall be strictly observed, subject to such changes and modifications as the State department may require and direct.

Prohibition
where death
caused by
specific
disease.

7352. The transportation into this State or from this State of bodies of persons who have died from plague, Asiatic cholera, yellow fever, typhus fever, anthrax, glanders, or smallpox is prohibited.

Such bodies shall not be transported within this State except by permission and under the direction of the State depart-

ment, and subject also to the conditions provided in section 7353.

(Amended by Stats. 1939, Ch. 126.)

[ORIGINAL SECTION.]

7352. The transportation into this State or from this State of bodies of persons who have died from plague, Asiatic cholera, yellow fever, typhus fever, anthrax, glanders, or smallpox is prohibited.

Such bodies shall not be transported within this State for a distance of more than twenty-five miles except by permission and under the direction of the State department, and subject also to the conditions provided in section 7353.

7353. The bodies of persons who have died of Asiatic cholera, smallpox, yellow fever, diphtheria, membranous croup, scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax, or leprosy, shall not be accepted for transportation unless prepared for transportation by:

Acceptance conditions: Where death caused by specified disease.

(a) Arterial and cavity injection with a disinfecting fluid approved by the State department.

(b) Disinfection and stopping of all orifices with absorbent cotton.

(c) Washing the body with a disinfectant.

The body shall be properly clothed, and placed in either:

(a) An airtight metal-lined casket, all joints and seams hermetically sealed, and all inclosed in a strong, wooden transportation case, or,

(b) A wooden casket encased in a metal-lined transportation case, all joints and seams of the case being hermetically sealed.

In the transportation of bodies dead from any disease named in this section, the body shall not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the health officer to have been properly disinfected.

(Amended by Stats. 1939, Ch. 126.)

[ORIGINAL SECTION.]

7353. The bodies of persons who have died of Asiatic cholera, smallpox, yellow fever, diphtheria, membranous croup, scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax, or leprosy, shall not be accepted for transportation unless prepared for transportation by:

(a) Arterial and cavity injection with a disinfecting fluid approved by the State department.

(b) Disinfection and stopping of all orifices with absorbent cotton.

(c) Washing the body with a disinfectant.

The body shall be properly clothed, and placed in either:

(a) An air-tight metal-lined casket, all joints and seams hermetically sealed, and all inclosed in a strong, wooden transportation case, or,

(b) A wooden casket encased in a metal-lined transportation case, all joints and seams of the case being hermetically soldered.

In the transportation of bodies dead from any disease named in this section, the body shall not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the health officer to have been properly disinfected.

7354. The bodies of persons who have died from typhoid fever, puerperal fever, tuberculosis, measles, or any other contagious or infectious disease not enumerated in sections 7352

Other specified diseases.

and 7353, may be received for transportation when prepared for transportation by arterial and cavity injection with an approved disinfecting fluid, and by washing the exterior of the body with an approved disinfecting fluid. The body shall be properly clothed. If the body can not reach its destination within ninety hours from the time of death it shall be placed in a wooden casket inclosed in a hermetically sealed metal-lined transportation case, or in an airtight metal or metal-lined casket inclosed in a wooden transportation case.

(Amended by Stats. 1939, Ch. 126.)

[ORIGINAL SECTION.]

7354. The bodies of persons who have died from typhoid fever, puerperal fever, tuberculosis, measles, or any other contagious or infectious disease not enumerated in sections 7352 and 7353, may be received for transportation when prepared for transportation by arterial and cavity injection with an approved disinfecting fluid, and by washing the exterior of the body with an approved disinfecting fluid. The body shall be properly clothed, and placed in an air-tight metal-lined casket, and inclosed in a wooden transportation case. If the body can not reach its destination within ninety hours from the time of death it shall be placed in a wooden casket inclosed in a metal-lined transportation case.

Death from
other
causes.

7355. The bodies of persons who have died from any cause not stated in nor covered by other provisions of this article, shall not be received for transportation unless the body has been embalmed and prepared by a licensed embalmer, and placed in a sound casket and inclosed in a wooden transportation case.

(Amended by Stats. 1939, Ch. 126.)

[ORIGINAL SECTION.]

7355. The bodies of persons who have died from any cause not stated in nor covered by other provisions of this article, shall not be received for transportation unless the body has been embalmed and prepared by a licensed embalmer, and placed in a sound casket and inclosed in a wooden transportation case. If the body can not reach its destination within ninety hours from the time of death, it shall be placed in either:

- (a) A metal-lined casket, or
- (b) A wooden casket inclosed in a metal-lined transportation case.

CHAPTER 6. BURIAL AND REMOVAL PERMITS.

Burial
permit:
Body in-
spection.

7400. Whenever the State Department of Public Health so orders, no burial permit shall be issued until after the body has been inspected by the department or its representative.

When
permit
required.

7401. Except as provided in the next section, the body of any person whose death occurs in this State, or whose body is found in the State, or which is brought in from outside the State, shall not be interred, deposited in a vault or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district, or temporarily held pending further disposition more than five days after death,

unless a permit for burial, removal, or other disposition is issued by the local registrar of the registration district in which the death occurred or the body was found, or by the county recorder of the county in which the district is located. The county recorder shall mail, within twenty-four hours, the original death certificate to the local registrar.

7402. This chapter does not prevent a funeral director from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or an adjoining county in a funeral director's conveyance for the purpose of preparing the body for interment or shipment. Exemption.

7403. (Repealed by Stats. 1939, Ch. 101.)

[ORIGINAL SECTION.]

7403. A removal permit shall be secured within forty-eight hours and before embalming the body.

7404. If death occurred from any disease held by the State department to be infectious, contagious, or communicable, and dangerous to public health, the body shall not be removed without first securing permission of the local health officer. Removal from death premises.

(Amended by Stats. 1939, Ch. 101.)

[ORIGINAL SECTION.]

7404. If death occurred from any disease held by the State department to be infectious, contagious, or communicable, and dangerous to public health the body shall not be removed from the premises where death occurred without first securing a removal permit.

7405. No burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him, except that when a dead body is transported from outside the State into a registration district in California for interment, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported, as a basis upon which he may issue a local burial permit, noting upon the face of the burial permit the fact that it was a body shipped in for interment and the place of death. Filing of death certificate. Exception.

7406. No person shall inter in any cemetery any human body unless (a) he has obtained and filed with the board of health, or health officer, of the city or county where the death occurred, a certificate, signed by a physician, or a coroner, setting forth as near as possible, the name, age, color, sex, place of birth, occupation, date, locality and the cause of death of the decedent, and (b) he has obtained from the board of health or health officer a burial permit. Conditions for cemetery interment.

Burial
permit:
Validity
outside
county of
issuance,
etc.

7407. A burial permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment, and shall be issued in duplicate, and marked respectively original and duplicate. The original shall be retained by and filed with the board of health, or health officer issuing it, and the duplicate shall be presented to and filed with the board of health or health officer of the county where the body is interred. Further permit for interment shall not be required, but any county interment fees required by law or ordinance shall be paid.

Reports:
By cemetery
authority.

7408. Cemetery authorities shall cause to be returned to the county board of health or health officer, or county recorder of the county where the interment is made, on each Monday, the names of all persons whose remains were interred within their respective cemeteries during the preceding week.
(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

7408. Cemetery authorities shall cause to be returned to the county board of health or health officer, and county recorder of the county where the interment is made, on each Monday, the names of all persons whose remains were interred within their respective cemeteries during the preceding week.

By board
of health.

7409. The board of health or health officer shall file a report with the county recorder on each Monday, showing the names of all persons interred in the county during the preceding week on permits issued outside of the county and what boards of health or health officers issued the burial permits.

Prohibition
re interment,
etc., when
body unac-
companied
by permit.

7410. No person in charge of any premises on which interments or cremations are made shall inter or permit the interment or cremate or permit the cremation or other disposition of any body unless it is accompanied by a burial or cremation permit.

Indorsement
of permit,
etc.

7411. The person in charge shall sign the permit, indorse upon it the date of interment or cremation, and return all permits so indorsed to the local registrar of his district within ten days from the date of interment or cremation.

Cemetery in
more than
one regis-
tration
district.

7412. If any cemetery is located partly in one registration district and partly in another, only one permit shall be required for interment and a permit authorizing interment in such cemetery shall entitle interment to be made within or without the district to which such permit is directed. Such permit shall be returned to the registration district in which the interment is made irrespective of the district to which it is directed. The local registrar of the district in which such interment is made shall forthwith file such permit on presentation without charge.

(Added by Stats. 1939, Ch. 642.)

PART 2. DISINTERMENT AND REMOVAL.

CHAPTER 1. GENERAL PROVISIONS.

Article 1. Permits.

7500. No remains of any deceased person shall be removed Order.
from any cemetery, except upon written order of the health department having jurisdiction, or of the superior court of the county in which such cemetery is situated. A duplicate copy of the order shall be maintained as a part of the records of the cemetery. Any person who removes any remains from Records.
any cemetery shall keep and maintain a true and correct record showing:

(a) The date such remains were removed.

(b) The name and age of the person removed, when these particulars can be conveniently obtained and the place to which the remains were removed.

(c) The cemetery and the plot therein in which such remains were buried.

If the remains are disposed of other than by interment, a record shall be made and kept of such disposition. The person making the removal shall deliver to the cemetery authority operating the cemetery from which the remains were removed, a true, full and complete copy of such record.

7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, retaining a Removal:
Permit.
copy, for which permit he shall receive a fee of fifty cents to Fee.
be paid him by the applicant for the permit.

7502. In the disinterment, transportation and removal of Exception.
human remains under Chapter 4 of this part a cemetery authority need not obtain a separate permit for the disinterment, transportation or removal of the remains of each person, but disinterment, transportation and removal of human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing such remains as may be adopted by the board of health or health officer of the city or city and county in which the cemetery lands are situated.

Article 2. Consent to Removal.

7525. The remains of a deceased person may be removed Who must
give.
from a plot in a cemetery with the consent of the cemetery

authority and the written consent of one of the following in the order named:

- (a) The surviving spouse.
- (b) The surviving children.
- (c) The surviving parents.
- (d) The surviving brothers or sisters.

Court permission.

7526. If the required consent can not be obtained, permission by the superior court of the county where the cemetery is situated is sufficient.

Notice.

7527. Notice of application to the court for such permission shall be given, at least ten days prior thereto, personally, or at least fifteen days prior thereto if by mail, to the cemetery authority and to the persons not consenting, and to every other person or association on whom service of notice may be required by the court.

Exemptions.

7528. This article does not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor does it apply to the disinterment of remains upon order of court or coroner.

CHAPTER 2. REMOVALS TO OUT OF STATE POINTS.

Scope of chapter.

7550. This chapter applies only to cities and counties and does not apply to the removal of remains from one place of interment to another within this State.

Disinterment permit:

7551. It is unlawful to disinter any human remains without a permit for the purpose, from the board of health, health officer, mayor, or other head of the municipal government of the city or county where the remains are deposited.

Application.

7552. Permits to disinter or transport human remains may be granted upon application accompanied by a certificate from the coroner, registrar, the physician who attended the deceased person, or other physician in good standing cognizant of the facts, which certificate shall state the cause of death and the age and sex of the decedent.

Contents.

7553. The permit shall contain the words "Permit to remove and transport the body of -----, age -----, sex -----," and shall:

- (a) Show the name, age, and sex of the decedent.
- (b) Require that the disinterred remains, when transported, be inclosed in a metallic case or coffin, and sealed so as to prevent, as far as practicable, any noxious or offensive odor or effluvia escaping, and that each case or coffin shall contain the body or remains of but one person, except where the

infant children of the same parent or parents, or where parent and children are contained in the case or coffin.

7554. No permit shall be issued for the disinterment or removal of any remains, unless they have been interred for one year or more, without the written consent of the mayor, chairman of the board of supervisors, or city council.

When remains interred for year or more.

7555. Disinterred human remains shall not be transported through the streets or highways of any city, unless the person transporting the remains first obtains from the board of health or health officer or from the mayor or other head of the municipal government of the city or city and county, a written permit for transportation of the remains.

Transportation permit.

7556. Every person who disinters or removes, or causes to be disinterred or removed, any human remains in violation of this chapter is guilty of a misdemeanor and punishable by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both.

Penalty: Unlawful removal.

7557. Every person who transports or causes to be transported through the streets or highways of any city or city and county, any human remains which have been disinterred without a permit in violation of this chapter is guilty of a misdemeanor, and punishable as provided in section 7556.

Unlawful transportation.

7558. It is lawful to receive any human remains for transportation in or from this State, if the permit to transport them is first received, and is retained in evidence by the transporter while the remains are in his possession.

When receipt for transportation valid.

7559. Every person who gives information to secure the conviction of any person for a violation of the provisions of this chapter is entitled to receive the sum of twenty-five dollars, to be paid from fines imposed and accruing under this chapter.

Payment for information.

CHAPTER 3. REMOVAL OF ALL REMAINS: CITIES OF 1500-100,000.

7600. The governing body of any city having a population of more than fifteen hundred and not exceeding one hundred thousand, may, by ordinance, and under such rules and regulations as it may adopt, provide for the disinterring and removal of all human remains from cemeteries in which no interments have been made for a period of two years, which are within the city, or owned and controlled by the city and located without its boundaries.

Local provision for removal.

CHAPTER 4. REMOVAL OF ALL REMAINS: CITIES AND CITIES AND COUNTIES OVER 100,000.

Article 1. Power of Municipality.

Order for
removal.

7700. The governing body of any city or city and county, having a population of more than one hundred thousand persons, may order the disinterment and removal of all human remains interred in all or any part of any cemetery of more than five acres in extent situated within its limits, where the right of interment in the cemetery has been prohibited by law for a period of fifteen years or more, whenever the governing body, by ordinance, declares that the further maintenance of all or any part of the cemetery as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public and demands the disinterment and removal beyond the limits of the city, or city and county, of the human remains interred therein.

Ordinance:
Declaration.

Rules and
regulations.

7701. The governing body of such city or city and county may in any ordinance ordering or directing the disinterment and removal of such remains prescribe reasonable rules and regulations governing the manner of making disinterments and removals and providing for reinterment in cemeteries outside the city or city and county limits.

Time for
removal by
relatives,
etc.

The ordinance shall prescribe a reasonable time of not less than two years in which the removal of remains may be made by the cemetery authority, or by the owners or holders of interment spaces, or by the relatives or friends of those whose remains are interred in the cemetery, and may also provide that if the remains are not removed within the period fixed, the city or city and county will itself proceed to remove the remains and reinter them in another cemetery or cemeteries outside the city or city and county limits.

Article 2. Declaration of Intention by Cemetery Authority.

Declaration.

7725. The cemetery authority of any cemetery from which human remains are ordered removed by an ordinance adopted in accordance with this chapter, may declare its intention and purpose to disinter and remove the remains in accordance with the ordinance, and to reinter the remains in another cemetery or cemeteries outside the limits of the city or city and county, or to deposit the removed remains in a memorial mausoleum or columbarium.

In the case of a cemetery corporation or association the procedure for such declaration shall be by resolution of the governing body of the corporation or association, ratified and approved by a majority vote of the lot owners or holders at any regular meeting of the corporation or association, or at a meeting specially called for the purpose.

7726. Any resolution or declaration of intention to dis- Contents.
inter and remove human remains pursuant to this chapter
adopted or declared by any cemetery authority shall specify
and declare that at any time after the expiration of ten
months from and after the first publication of the notice of the
resolution or declaration, the human remains then remaining
in all or any part of the cemetery will be removed by the
cemetery authority.

Article 3. Notice of Intention.

7735. Notice of a declaration of intention to remove the Publication.
human remains from all or any part of any cemetery shall
be given by publication in a newspaper of general circulation
published in the city, or city and county, in which the ceme-
tery or the portion from which removals are to be made is
situated. Publication shall be at least once a week for two
successive months.

7736. The notice shall be entitled "Notice of Declaration Heading
and
contents.
of Intention to Remove Human Remains from ----- (insert
name of cemetery) in accordance with the provisions of
Ordinance No. ---- (insert number) of the ----- (insert
name of city, or city and county) adopted ----- (insert
date)" and shall specify a date not less than ten months
after the first publication when the cemetery authority caus-
ing the notice to be published will proceed to remove the
remains then remaining in such cemetery or the portion from
which removals are to be made.

7737. Copies of the notice shall within ten days after the Posting.
first publication be posted in at least three conspicuous places
in the cemetery or the portion from which removals are to
be made.

7738. A copy of the notice shall be mailed to every person Mailing.
who owns, holds, or has the right of interment in, any plot
in the cemetery or part affected, whose name appears upon
the records of the cemetery. The notice shall be addressed
to the last known post-office address of the plot owner as it
appears from the records of the cemetery, and if his address
does not appear or is not known, then to him at the city, or
city and county, in which the cemetery land is situated.

7739. The notice shall also be mailed to each known living Same.
heir at law of any person whose remains are interred in the
cemetery, if his address is known.

Article 4. Special Notice to Relative or Friend.

7750. At any time before the date fixed for the removal of Notice to
cemetery
authority.
remains by the cemetery authority, any relative or friend of

any person whose remains are interred in the cemetery from which removals are to be made may give the cemetery authority written notice that he desires to be present when the remains are disinterred or are reinterred.

- Contents.** 7751. The notice to the cemetery authority shall specify:
- (a) The name of the person whose remains are to be disinterred.
 - (b) As accurately as possible, the plot where the remains are interred.
 - (c) The date of interment.
 - (d) An address at which the required notices may be given by the cemetery authority.

- Delivery.** 7752. The notice may be delivered, or forwarded by registered mail, to the office or principal place of business of the cemetery authority proposing to make removals.

- Notice by cemetery authority.** 7753. After receipt of such notice before the date fixed for the removal of the remains by the cemetery authority, it shall give written notice to the person requesting it of the time when the remains shall be disinterred and of the time when and the place where they will be reinterred. This notice shall be given by delivery, or by mail, to the person requesting it at least ten days prior to the date specified for the disinterment of the remains.

- Same.** 7754. Whenever a request of notice is given by a relative or friend, the cemetery authority shall not disinter the remains referred to until the notice of the time of disinterment is given the relative or friend, as provided in this article.

Article 5. Removals by Relatives or Friends.

- Permission.** 7800. At any time prior to the removal by a cemetery authority of the remains of any person, any relative or friend of the decedent may voluntarily remove and dispose of the remains.

- Affidavit.** 7801. The person desiring to cause the removal shall, prior to removal, deliver to the cemetery authority an affidavit stating the name of the decedent whose remains it is desired to remove and, so far as is known to affiant, the date of burial and the names and places of residence of the heirs at law of the decedent. If the person desiring to cause the removal is not an heir at law of the person whose remains he desires to remove, the removal shall not be made by him until he has delivered to the cemetery authority the written consent of a majority of the known heirs at law of the decedent who are residents of this State. The statements in the affidavit are sufficient evidence of the number, names, and residences of the heirs at law for all of the purposes of this article, and
- Consent of heirs.**

the written consent of the majority of the heirs at law named in the affidavit is sufficient authority for the cemetery authority to permit the removal of the remains.

7802. Removal of all remains in a plot without the filing of an affidavit of consent may be caused by any of the following: Removal without filing affidavit.

- (a) The purchaser or owner of the plot.
- (b) The purchaser or owner of the right of interment in the plot.
- (c) Any one of joint purchasers or owners of the plot or of the right of interment in the plot.

7803. If the right, title or interest of any grantee of any plot or of the right of interment therein has passed by succession to the heir or heirs at law of the grantee without distribution by order of court, the heir or heirs at law may remove the remains of persons interred in the plot. The affidavit of any heir at law setting out the facts of heirship shall be accepted by the cemetery authority as sufficient evidence of the fact of the transfer. Removal by heir of plot grantee. Affidavit.

7804. Whenever remains are removed by a relative or friend of a decedent, under the provisions of this chapter, the person causing the removal is entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the interment space from which the remains have been removed. The affidavit or written consent given under the provisions of this chapter are sufficient authority for the cemetery authority to permit the removal of any such appurtenance. Removal of vaults, headstones, etc.: By friend or relative.

7805. If such appurtenances remain on the plot for more than ninety days after the removal of the last human remains, they may be removed and disposed of by the cemetery authority, and thereafter no person claiming any interest in the plot, or any such appurtenance shall maintain in any court any action in relation to any such appurtenance. By cemetery authority.

Article 6. Removal by Cemetery Authority.

7850. After the completion of notice, and after the expiration of the period of ten months specified in the notice, any cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in other cemeteries in this State where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein. Removal and reinterment.

Reinterment
in adjoining
county.

7851. Whenever any remains are removed from any cemetery or portion of a cemetery pursuant to this chapter by a cemetery authority, they shall be transported to and reinterred in a cemetery in an adjoining county where interments by the cemetery authority are permitted.

Placement
in receptacles,
etc.

7852. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under rules and regulations adopted by the cemetery authority making the removal.

Article 7. Disposal of Lands.

Authority
to dispose.

7900. Whenever human remains have been ordered removed under this chapter, and the cemetery authority has made and published notice of intention to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged, or otherwise encumbered as security for any loan or loans made to the cemetery authority.

Sales:
Conduct and
confirmation.

7901. No order of any court shall be required prior to the making of any such sale, mortgage, or other encumbrance of such lands; but any sale of such cemetery lands made by any cemetery corporation or association controlled by a governing body shall be fairly conducted and the price paid shall be fair and reasonable and all such sales shall be confirmed, as to the fairness and reasonableness of the price paid, by the superior court of the county in which the lands are situated.

Petition for
confirmation.

7902. Petitions for confirmation of sales shall be made to the superior court of the county or city and county in which such lands are situated, and the clerk of the court shall fix a day for and give notice of hearing in accordance with the provisions of section 1200 of the Probate Code.

Same.

7903. If prior to the adoption of an ordinance pursuant to this chapter any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the superior court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

Written
declaration:
Recording.

7904. After the removal of all human remains interred in any part or the whole of the cemetery lands, the cemetery authority may file for record in the office of the county recorder of the county or city and county in which the lands are situated a written declaration reciting that all human

remains have been removed from the lands described in the declaration.

The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers of the cemetery authority, or by the person owning or controlling the cemetery lands, and thereafter any deed, mortgage, or other conveyance of any part of such lands is conclusive evidence in favor of any grantee or mortgagee named in it, and his successor or assigns, of the fact of the complete removal of all human remains therefrom.

7905. With the approval of the governing body of the city or city and county in which the cemetery lands are situated, sufficient lands may be reserved from any cemetery lands from which the human remains have been removed to erect a mausoleum or columbarium for the reinterment of disinterred remains, to provide sufficient grounds around it, and to preserve such historical vaults or monuments as the cemetery authority may determine to be proper or necessary.

Reservation of lands.

7906. After all remains have been removed from a cemetery in accordance with Chapters 3 and 4, Part 2, Division VII of this code, the dedication may be removed from all or any part of such cemetery lands by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

Removal of dedication by court order.

(a) That all bodies have been removed, or that no interments were made; and

(b) That the property is no longer used or required for interment purposes.

(Added by Stats. 1939, Ch. 1032.)

Article 8. Use of Funds.

7925. Money payable or to become payable as the purchase price or on account of the purchase price of unused lands, or lands from which all remains have been removed is not subject to garnishment, attachment or execution, but shall be used exclusively for any or all of the following purposes:

Sales proceeds.

(a) Acquisition of lands and improvements for cemetery purposes.

(b) Disinterment, removal, and reinterment of bodies, pursuant to this chapter.

(c) Perpetual care of graves, markers, and cemetery embellishments.

(d) The payment of expenses incidental to the disinterment, removal, and reinterment.

(e) Any other purpose consistent with the objects for which the cemetery authority owning the cemetery is created or organized.

(Amended by Stats. 1939, Ch. 1071.)

[ORIGINAL SECTION.]

7925. Money payable or to become payable as the purchase price or on account of the purchase price of unused lands, or lands from which all remains have been removed is not subject to garnishment, attachment or execution, but shall be used exclusively for any or all of the following purposes:

(a) Acquisition of lands and improvements for cemetery purposes.
(b) Disinterment, removal, and reinterment of bodies, pursuant to this chapter.

(c) Perpetual care of graves, markers, and cemetery embellishments.

(d) The payment of expenses incidental to the disinterment, removal, and reinterment.

Use of
money in
treasury:
Expense of
removal.

7926. Whenever any cemetery corporation or association has declared for removal and has published notice of its intention to make removals under this chapter, it may employ any money in its treasury to defray the expense of removal, including:

(a) The expense of purchasing or otherwise providing a suitable place for the interment of remains in any other cemetery.

(b) The expenses of disinterment, transportation and reinterment.

(c) The expenses of removal and disposal of vaults, monuments, headstones, copings, or other improvements.

(d) All necessary expenses incident to the sale or mortgaging of any land from which removals have been made.

(e) All other expenses necessarily incurred in carrying out the removal, and reinterment, or disposing of remains so removed.

(f) All expenses incident to any of the above purposes.

Care and
maintenance.

7927. From the money remaining in the treasury of the cemetery corporation or association after completing the removal and reinterment of the remains from its cemetery lands and the payment of all incidental expenses, the cemetery corporation or association shall set aside an adequate fund for the perpetual maintenance and care of the cemetery in which the remains have been reinterred.

Reimburse-
ment.

7928. After making provision for perpetual maintenance and care, the governing body of the cemetery corporation or association may use such portion of the funds then remaining as it may determine to be just and fair in reimbursing those who voluntarily and at their own cost and expense removed the remains of friends or relatives from the cemetery lands from which the remains were ordered removed. Such reimbursement shall not be greater in amount than the average cost to the cemetery corporation or association for removals directly made by it.

7929. Any balance remaining in the fund may be used Balance.
for such other purposes as the cemetery corporation or asso-
ciation may lawfully declare.

7930. Whenever any cemetery corporation or association Unexpended
treasury
funds.
having a governing body has caused the removal of remains
from all or any portion of its cemetery and has funds in its
treasury which are not required for other purposes, it may
set aside, invest, use, and apply from such unexpended funds
such sum as, in the judgment of the governing body, it is
necessary or expedient to provide for the perpetual or other
care or improvement of any cemetery in which the disinterred
remains may be reinterred.

7931. In lieu of itself investing, using or applying the funds Transfer:
for care or improvement, the cemetery corporation or asso-
ciation may transfer the funds to any other corporation under
such conditions and regulations as in the judgment of the
governing body will insure their application to the purposes
of care or improvement.

7932. Before any such transfer of funds is made, the Court
order.
cemetery corporation or association shall obtain an order
authorizing the transfer from the superior court of the county
where the cemetery or portion from which the remains were
removed is situated.

7933. The order shall be obtained upon petition of the Petition.
cemetery corporation or association, after such notice by pub-
lication as the court may direct, and any member or former
plot owner may support or oppose the granting of the order
by affidavit or otherwise. Before making the order, Proof.
proof shall be made to the satisfaction of the court that notice has been
given and that it is for the best interests of the cemetery
corporation or association that the transfer be made.

Article 9. New Land, Mausoleum or Columbarium.

7950. Whenever any cemetery authority owning or con- New lands:
Survey, etc.
trolling cemetery lands from which remains are to be removed
has acquired the possession or use of any cemetery for the
purpose of providing a place for the reinterment of human
remains removed under this chapter, new lands may be sur-
veyed and subdivided into plots, avenues, and walks for ceme-
tery purposes; and any mausoleum and columbarium may be
divided into crypts or niches.

7951. Plots, crypts, or niches may be sold to persons desir- Sale of
plots, etc.
ing to make reinterments.

7952. The governing body of any cemetery corporation or Releases.
association may receive and accept as part or full consider-

ation for the purchase price of new plots full or partial releases of rights in or to the whole or any part of the assets of the corporation or association other than the plot conveyed to the purchaser. Any retransfer to the cemetery corporation or association of any plot in the cemetery from which the removal of the human remains is to be made operates as such release.

Identifying
marker.

7953. After the removal and reinterment of remains disinterred from any cemetery the cemetery authority shall cause to be erected upon or imbedded in any plot in which any remains are reinterred a suitable permanent marker identifying the remains.

Maps,
plans, etc.

7954. The cemetery authority shall prepare a complete map or plat describing and showing the location and subdivision into plots of the cemetery lands where remains are reinterred, or a plan of any mausoleum or columbarium in which such remains are interred; and there shall be attached to each plan a description of the name, where known, of each person whose remains are reinterred, and the plot in the cemetery, or the niche or compartment in the mausoleum or columbarium where such remains are reinterred.

Public
inspection.

7955. The map or plan shall be kept on file in the office of the cemetery authority and shall at all times be open to inspection by the relatives or friends of deceased persons whose remains are reinterred therein.

Article 10. Taxation.

Taxation.

7975. When any law or ordinance requires that the remains interred in any cemetery be removed and reinterred elsewhere, no county, town or political subdivision in which the reinterment of disinterred remains takes place, shall charge for any permit or levy a tax of any nature for the reinterment.

Article 11. Religious Observances.

Religious
observances.

7980. The heirs, relatives or friends of any decedent whose remains have been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society of any denomination or by any corporation sole administering temporalities of any religious denomination, society or church, or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church shall not disinter, remove, reinter or dispose of any such remains except in accordance with the rules, regulations and discipline of such religious denomination, society or church.

The officers, representatives or agents of the church or religious society shall be the sole judge of the requirements of the rules, regulations and discipline of such religious denomination, society or church.

DIVISION VIII. CEMETERIES.

PART 1. GENERAL PROVISIONS.

CHAPTER 1. CEMETERY DEFINED.

8100. Six or more human bodies being buried at one place constitute the place a cemetery. Cemetery defined.

CHAPTER 2. VANDALISM.

8101. Every person is guilty of a misdemeanor and punishable by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for not exceeding six months, or by both, who unlawfully or without right wilfully does any of the following: Criminal offenses.

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes: any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any inclosure for the protection of a cemetery or any property in a cemetery.

(b) Obliterates any grave, vault, niche, or crypt.

(c) Destroys, cuts, breaks or injures any building, statuary, ornamentation, tree, shrub, or plant within the limits of a cemetery.

(d) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8101. Every person is guilty of a misdemeanor and punishable by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for not exceeding six months, or by both, who unlawfully or wilfully does any of the following:

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes: any tomb, monument, memorial, or marker erected to any person or place in a cemetery, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of a cemetery or any property in a cemetery.

(b) Obliterates any grave, vault, niche, or crypt.

(c) Destroys, cuts, breaks or injures any building, statuary ornamentation, tree, shrub, or plant within the limits of a cemetery.

8102. Any person violating any provision of this chapter is liable, in a civil action by and in the name of the cemetery authority, to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed. Civil penalty.

8103. The provisions of this chapter do not apply to the removal or unavoidable breakage or injury, by a cemetery authority, of any thing placed in or upon any portion of its cemetery in violation of any of the rules or regulations of the cemetery authority, nor to the removal of anything placed Exemptions.

in the cemetery by or with the consent of the cemetery authority which has become in a wrecked, unsightly, or dilapidated condition.

CHAPTER 3. RECORDS.

Keeping and contents.

8110. The person in charge of any premises on which interments or cremations are made shall keep a record of all remains interred or cremated and of the interment of remains on the premises under his charge, in each case stating the name of each deceased person, place of death, date of interment, and name and address of the funeral director.

Inspection.

8111. The records shall at all times be open to official inspection.

When no person in charge of cemetery.

8112. When making an interment in a cemetery having no person in charge, the funeral director shall sign the burial or removal permit, giving the date of interment, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within ten days with the registrar of vital statistics of the district in which the cemetery is located.

PART 2. PUBLIC CEMETERIES.

CHAPTER 1. GENERAL PROVISIONS.

Acquisition of cemetery: Public lands.

8125. Incorporated cities, and for unincorporated towns the supervisors of the county, may survey, lay out, and dedicate for burial purposes not exceeding five acres of public lands situated in or near the city or town. The survey, description, and a certified copy of the order made constituting the land a cemetery shall be recorded in the recorder's office of the county in which it is located.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8125. Incorporated cities, and for unincorporated towns the supervisors of the county, may survey, lay out, and dedicate for cemetery and burial purposes not exceeding five acres of public lands situated in or near the city or town. The survey, description, and a certified copy of the order made constituting the land a cemetery shall be recorded in the recorder's office of the county in which it is located.

By public user.

8126. The title to lands situated in or near any city and used by the inhabitants without interruption as a cemetery for five years is vested in the inhabitants of the city and the lands shall not be used except as a public cemetery.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8126. The title to lands situated in or near any city or town, and used by the inhabitants without interruption as a cemetery for five years is vested in the inhabitants of the city or town and the lands shall not be used except as a public cemetery.

8127. The inhabitants of any city may by subscription or otherwise purchase or receive by gift or donation, lands not exceeding five acres to be used as a cemetery, the title to be vested in the inhabitants, which lands when once dedicated to use for burial purposes, shall not thereafter be used for any other purpose.

By purchase, etc.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8127. The inhabitants of any city, town, or neighborhood may by subscription or otherwise purchase or receive by gift or donation, lands not exceeding five acres to be used as a cemetery, the title to be vested in the inhabitants, which lands when once dedicated to use for cemetery purposes, shall not thereafter be used for any other purpose.

8128. The governing body having control of a public cemetery shall require a register of name, age, birthplace, date of death, and burial of every body interred therein, to be kept by the sexton or other officer. The register shall be open to public inspection.

Register.

8129. The public cemeteries of cities, towns, or neighborhoods or of fraternal or beneficial associations or societies shall be enclosed and laid off into plots.

Plots, etc.

8130. The general management, conduct, and regulation of burials, the disposition of plots, and keeping the plots in order, are under the jurisdiction and control of the city owning the cemetery.

Management:
When owned by city.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8130. The general management, conduct, and regulation of interments, the disposition of plots, and keeping the plots in order, are under the jurisdiction and control of the city owning the cemetery.

8131. If not owned by a city or by a fraternal or beneficial association or society, public cemeteries are under the jurisdiction and control of the board of supervisors of the county in which they are situated.

When not owned by city, etc.

8132. Public cemeteries of fraternal or beneficial associations or societies are under the jurisdiction of and controlled and managed by the associations or societies or by trustees appointed by them.

When owned by fraternal society, etc.

8133. The authorities having jurisdiction and control of cemeteries may make and enforce general rules and regulations, and appoint sextons or other officers to enforce obedience to the rules and regulations, with such powers and duties regarding the cemetery as may be necessary

Rules and regulations.

PART 3. PRIVATE CEMETERIES.

CHAPTER 1. GENERAL PROVISIONS.

Scope of
part.

8250. The provisions of this part do not apply to any of the following:

(a) Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) Any public cemetery.

(c) Any private or fraternal burial park not exceeding ten acres in area, heretofore established.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8250. The provisions of this part do not apply to any of the following:

(a) Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) Any public cemetery.

(c) Any private, fraternal or community cemetery not exceeding ten acres in area.

Same.

8251. The provisions of this part do not affect the corporate existence of any cemetery organized under any law then existing prior to August 14, 1931, and as to such cemeteries, and their rights, the laws under which the corporation was organized and existed and under which such rights became vested are applicable.

Cemetery
corporation.

8252. It is unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this State except by means of a corporation duly organized for that purpose.

Effect on
powers, etc.

8253. The powers, privileges, duties and restrictions conferred and imposed upon any corporation, firm, copartnership, association, trust or individual, existing and doing business under the laws of this State, are hereby enlarged or modified as each particular case may require to conform to the provisions of this part notwithstanding anything to the contrary in their respective articles of incorporation, charter or other evidence of organization.

CHAPTER 2. OPERATION AND MANAGEMENT.

Article 1. General Provisions.

Who may
operate.

8275. Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the businesses of a cemetery, either for or without profit to its members or stockholders.

Article 2. Rules and Regulations.

8300. A cemetery authority may make, adopt, amend, add to, revise, or modify, and enforce rules and regulations for the use, care, control, management, restriction and protection of all or any part of its cemetery and for the other purposes specified in this article. Rules and regulations:

8301. It may restrict and limit the use of all property within its cemetery. Use of property.

8302. It may regulate the uniformity, class, and kind of all markers, monuments, and other structures within the cemetery and its subdivisions. Structures: Uniformity, etc.

8303. It may prohibit the erection of monuments, markers, or other structures in or upon any portion of the cemetery. Erection.

8304. It may regulate or prohibit monuments, effigies, and structures within any portion of the cemetery and provide for their removal. Removal.

8305. It may regulate or prevent the introduction or care of plants or shrubs within the cemetery. Plants.

8306. It may prevent interment in any part of the cemetery of human remains not entitled to interment and prevent the use of interment plots for purposes violative of its restrictions or rules and regulations. Interment.

8307. It may regulate the conduct of persons and prevent improper assemblages in the cemetery. Conduct of persons.

8308. It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, for the transfer of any plot or the right of interment, and the protection and safe-guarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted. Other purposes.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8308. It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, and the protection and safe-guarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted.

8309. The rules and regulations shall be plainly printed or typewritten and maintained subject to inspection in the office of the cemetery authority or in such place or places within the cemetery as the cemetery authority may prescribe. Printing and inspection of rules.

Article 3. Police Power.

Police
power.

8325. The sexton, superintendent or other person in charge of a cemetery, and such other persons as the cemetery authority designates have the authority of a peace officer for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the State, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8325. The sexton, superintendent or other person in charge of a cemetery has the authority of a peace officer for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the State, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property.

Article 4. Records.

Record of
interments.

8330. A record shall be kept of every interment showing the date the human remains were received, the date of interment, the name and age of the person interred, when these particulars can be conveniently obtained, and the plot in which interment was made.

Record of
ownership.

8331. A record shall be kept of the ownership of all plots in the cemetery which have been conveyed by the cemetery authority and of all transfers of plots in the cemetery. No transfer of any plot, heretofore or hereafter made, or any right of interment, shall be complete or effective until recorded on the books of the cemetery authority.

(Added by Stats. 1939, Ch. 339.)

Article 5. Operation of Crematories.

Required
facilities.

8340. No crematory shall conduct, or shall hereafter be constructed, established, or authorized to conduct, any business unless there is in connection therewith in the same fireproof building or structure or in a separate fireproof building within the same cemetery, either:

A columbarium, a burial park or mausoleum amply equipped at all times for the interment of remains of bodies cremated at the crematory.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8340. No crematory shall conduct, or shall hereafter be constructed, established, or authorized to conduct, any business unless there is in connection therewith in the same fireproof building or structure or in a separate fireproof building within the same cemetery, either:

(a) A columbarium amply equipped for the interment of remains of bodies cremated at the crematory, or

(b) A burial park or mausoleum in which the cremated remains may be interred.

8341. All cremated remains not removed for interment elsewhere shall be interred in a plot within a reasonable time after cremation. Interment.

Article 6. Contract Limitations.

8350. Unless otherwise limited by the law under which created, cemetery authorities shall in the conduct of their business have the same powers granted by law to corporations in general, including the right to contract such pecuniary obligations within the limitation of general law as may be required, and may secure them by mortgage, deed of trust, or otherwise upon their property. General powers.

8351. All mortgages, deeds of trust, and other liens of any nature, hereafter contracted, placed or incurred upon property which has been and was at the time of the creation or placing of the lien, dedicated as a cemetery pursuant to this part, or upon property which is afterwards, with the consent of the owner of any mortgage, trust deed, or lien, dedicated to cemetery purposes pursuant to this part, shall not affect or defeat the dedication, but the mortgage, deed of trust or other lien is subject and subordinate to such dedication and any and all sales made upon foreclosure are subject and subordinate to the dedication for cemetery purposes. Subordination of liens.

Article 7. Restrictions on Officers.

8360. No director or officer of any cemetery authority shall directly or indirectly, for himself or as the partner or agent of others, borrow any funds of the corporation or association, nor may he become an indorser or surety for loans to others, nor in any manner be an obligor for money borrowed or loaned by the corporation or association, nor shall a corporation of which a director or an officer is a stockholder, or in which either of them is in any manner interested, borrow any of the funds of the corporation or association. Borrowing funds, etc.

8361. The office of any director or officer who acts or permits action contrary to this article immediately thereupon becomes vacant. Loss of office.

8362. Every director or officer authorizing or consenting to a loan, and the person who receives a loan, in violation of this article are severally guilty of a misdemeanor. Criminal penalty.

CHAPTER 3. ACQUISITION, DEDICATION AND SALE.

Article 1. Acquisition of Property.

8500. Cemetery authorities may take by purchase, donation or devise, property consisting of lands, mausoleums, cre- Acquisition of property.

matories, and columbariums, or other property within which the interment of the dead may be authorized by law.

Article 2. Declaration of Intention.

Execution. 8525. A cemetery authority may execute a declaration acknowledged so as to entitle it to be recorded, describing the property and declaring its intention to use all or part of the property for cemetery purposes.

Recording. 8526. The declaration may be filed for record in the office of the recorder of the county in which the property is situated, and from the date of filing the declaration is constructive notice of the use for which the property is intended.

Article 3. Dedication.

Survey and map. 8550. Every cemetery authority, from time to time as its property may be required for interment purposes, shall:

(a) In case of land, survey and subdivide it into sections, blocks, plots, avenues, walks or other subdivisions; make a good and substantial map or plat showing the sections, plots, avenues, walks or other subdivisions, with descriptive names or numbers.

(b) In case of a mausoleum, or crematory and columbarium it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

Filing: Map. 8551. The cemetery authority shall file the map or plat in the office of the recorder of the county in which all or a portion of the property is situated. The cemetery authority shall also file for record in the county recorder's office a written declaration of dedication of the property delineated on the plat or map, dedicating the property exclusively to cemetery purposes.

Declaration of dedication.

Form and execution of declaration. 8552. The declaration shall be in such form as the cemetery authority may prescribe, and shall be subscribed by the president or vice president, and the secretary, or other persons whom the cemetery authority may authorize, and shall be acknowledged so as to entitle it to be recorded.

When dedication complete.

8553. Upon the filing of the map or plat and the filing of the declaration for record, the dedication is complete for all purposes and thereafter the property shall be held, occupied, and used exclusively for a cemetery and for cemetery purposes.

Resurvey.

8554. When reservation is made in the declaration of dedication, any part or subdivision of the property so mapped and platted may, by order of the directors, be resurveyed and altered in shape and size and an amended map or plat

filed, so long as such change does not disturb the interred remains of any deceased person.

8555. The filed map or plat and the recorded declaration are constructive notice to all persons of the dedication of the property to cemetery purposes. Constructive notice.

8556. The county recorder of the county in which a map or plat is filed shall number, file, and index it in the general index, giving reference to date of filing and number so that it may easily be found. The recorder shall receive a fee of one dollar for this service. Map:
Indexing.

Fee.

8557. The county recorder of the county in which a declaration of dedication is filed shall record it in the official records of his office and index it in the general index. The recorder shall receive a fee of one dollar for this service. Declaration:
Recording
and indexing.

Fee.

8558. After property is dedicated to cemetery purposes pursuant to this chapter, neither the dedication, nor the title of a plot owner, shall be affected by the dissolution of the cemetery authority, by nonuser on its part, by alienation of the property, by any incumbrances, by sale under execution, or otherwise except as provided in this chapter. Effect of
dissolu-
tion, etc.

8559. Dedication to cemetery purposes pursuant to this chapter is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property, but is expressly permitted and shall be deemed to be in respect for the dead, a provision for the interment of human remains, and a duty to, and for the benefit of, the general public. Laws against
perpetuities.

8560. After dedication pursuant to this chapter, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it, or of not less than two-thirds of the owners of interment plots. Construction
of utility
structures.

8561. All property dedicated pursuant to this chapter, including roads, alleys, and walks, is exempt from public improvement assessments, and is not liable to be sold on execution or applied in payment of debts due from individual owners of interment plots. Exemptions.

Article 4. Sale of Plots.

8570. After filing the map or plat and recording the declaration of dedication, a cemetery authority may sell and convey plots subject to such rules and regulations as may be then Authority
to sell.

in effect or thereafter adopted by the cemetery authority, and subject to such other and further limitations, conditions and restrictions as may be inserted in or made a part of the declaration of dedication by reference, or included in the instrument of conveyance of such plot.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8570. After filing the map or plat and recording the certificate or declaration of dedication, and subject to its rules and regulations and to such limitations, conditions and restrictions as may be inserted in, or by reference made a part of, the instrument of conveyance, a cemetery authority may sell and convey the interment plots to purchasers.

Indivisi-
bility of
plots sold.

8571. All plots, the use of which has been conveyed by deed or certificate of ownership as a separate plot, are indivisible except with the consent of the cemetery authority, or as provided by law.

Execution of
conveyances.

8572. All conveyances made by a cemetery authority shall be signed by the president or the vice president, and the secretary, or by other officers authorized by the cemetery authority.

Article 5. Removal of Dedication.

Removal of
dedication.

8580. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

(a) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(b) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(Amended by Stats. 1939, Ch. 1032.)

[ORIGINAL SECTION.]

8580. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court that all bodies have been removed, or that no interments were made and that the property is no longer used or required for interment purposes.

Notice of
hearing.

8581. The notice of hearing provided in section 8580 shall be given by publication once a week for at least three consecutive weeks in a daily newspaper of general circulation in the county where said cemetery is located, and the posting of copies of the notice in three conspicuous places on that por-

tion of the property from which the dedication is to be removed. Said notice shall:

(a) Describe the portion of the cemetery property sought to be removed from dedication.

(b) State that all remains have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication.

(c) Specify the time and place of the hearing.

(Added by Stats. 1939, Ch. 1032.)

CHAPTER 4. PROPERTY RIGHTS.

Article 1. General Provisions.

8600. All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance. Plots: Presumption of ownership.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8600. All plots conveyed to individuals are presumed to be the sole and separate property of the grantee named in the instrument of conveyance.

8601. The spouse of an owner of any plot containing more than one interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner. Vested right of spouse.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8601. The spouse of a grantee of any plot containing more than one interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the grantee has a vested right of interment of his remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the grantee.

8602. No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree. Divestment of right.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8602. No conveyance or other action of the grantee without the written consent or joinder of the spouse of the grantee divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

8603. If no interment is made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred are Descent to heirs, etc.

lawfully removed, upon the death of the owner, unless he has disposed of the plot either in his will by a specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the plot descends to the heirs at law of the owner subject to the rights of interment of the decedent and his surviving spouse.

Tax
exemption.

8604. Cemetery property passing to an individual by reason of the death of the owner is exempt from all inheritance taxes.

Authoriza-
tion for per-
mitting use.

8605. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to this chapter, is complete authorization to the cemetery authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it.

Article 2. Joint Tenants.

Vested
right.

8625. In a conveyance to two or more persons as joint tenants each joint tenant has a vested right of interment in the plot conveyed.

Death of
one tenant.

8626. Upon the death of a joint tenant, the title to the plot held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

Exemption.

8627. Cemetery property held in joint tenancy is exempt from the provisions of the Code of Civil Procedure relating to proceedings for establishing the fact of death of a person whose death affects title to real property.

Authoriza-
tion for per-
mitting use.

8628. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot, when filed with the cemetery authority operating the cemetery in which the plot is located, is complete authorization to the cemetery authority to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest.

Designation
of plot rep-
resentatives.

8629. When there are several owners of a plot, or of rights of interment in it, they may designate one or more persons to represent the plot and file written notice of designation with the cemetery authority. In the absence of such notice or of written objection to its so doing, the cemetery authority is not liable to any owner for interring or permitting an interment in the plot upon the request or direction of any coowner of the plot.

Article 3. Family Interment Plots.

8650. Whenever an interment of the remains of a member of a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in his will by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, the plot thereby becomes inalienable and shall be held as the family plot of the owner. Family plot.

8651. In a family plot one grave, niche or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot. Interment priority.

8652. If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child of the record owner and second, in the order of death to the next heirs at law of the owner or the spouse of any heir at law. Same.

8653. Any surviving spouse, parent, child, or heir having a right of interment in a family plot may waive such right in favor of any other relative or spouse of a relative of the deceased owner, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot. Waiver.

Article 4. Vested Right of Interment.

8675. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested. Waiver.

8676. No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations of the cemetery in which the interment space is located. Limitations on right.

Article 5. Voluntary Establishment of Inalienability.

8680. A cemetery authority may take and hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise. Interments restricted.

CHAPTER 5. PERPETUAL AND SPECIAL CARE.

Article 1. Care of Old Cemeteries.

Scope of
article.

8700. In addition to those cemeteries to which this part does not apply, this article does not apply to abandoned cemeteries nor to cemeteries in which interments are prohibited.

Vacation
and plot
platting of
roads, etc.

8701. Whenever a majority of the plots in all or any part of a cemetery established prior to August 14, 1931, has been sold without the owner having made provision for the establishment of an adequate perpetual care fund for its perpetual care, maintenance, and embellishment, the avenues, roadways, walks, driveways, alleys, streets and parks in it may be vacated or altered and replatted into plots which may be sold for interment purposes pursuant to this article.

Application.

8702. Application for the alteration or vacation or replatting of all or any portion of an alley, street, avenue, walk, driveway, or park, for plots in the cemetery shall be made to the superior court in the county in which all or any portion of the property is situated.

Who may
make.

8703. The application may be by the cemetery authority owning or operating the cemetery or if there is no cemetery authority operating the cemetery, by twenty or more plot owners.

Petition.

8704. The petition shall be verified and shall specify the facts of such ownership and shall state the reasons for the proposed change and what provisions have theretofore been made for the perpetual care of the cemetery.

Plat.

8705. There shall be presented with the petition a plat of the cemetery and the proposed replat which shall clearly indicate the proposed changes.

Time for
hearing.

8706. The petition shall be filed with the clerk of the superior court, and the clerk shall fix the time for hearing not less than thirty nor more than sixty days from the date of filing.

Notice:
Publication.

8707. Notice of the hearing shall be given by publishing a copy of the notice in a newspaper of general circulation near the cemetery in the county in which the property is situated, once a week for three consecutive weeks prior to the date of hearing.

Posting.

8708. Copies of the notice shall be posted in three conspicuous places within the cemetery.

8709. The notice shall:

Contents.

(a) Be addressed to all persons owning or interested in plots in the cemetery but need not name them.

(b) Set forth in a general way the proposed changes.

(c) Set forth the reasons stated in the petition for making the changes.

(d) State the time when the hearing of the petition will be had.

(e) State that a plat showing the proposed changes is on file with the clerk of the court.

8710. At the time fixed for the hearing, the court shall hear and consider any evidence introduced in favor of and all objections to the changes and may allow the proposed changes and replat in whole or in part, or may order and allow modifications of the proposed changes. The hearing may be continued from time to time by order of court.

Hearing.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8710. At the time fixed for the hearing, the court shall hear and consider any evidence introduced in favor of and all objections to the changes and may allow the proposed changes and replat in whole or in part, or may order and allow modifications of the proposed changes.

8711. The cemetery authority or other person directed by the court shall accept the newly created plots and shall sell and convey them only for interment purposes at a price not less than the price fixed by the court.

Sale.

8712. Not less than seventy per cent of all funds derived from the sale of the plots shall be placed in an irreducible and perpetual fund and the interest earned by the fund shall be used for the cemetery's perpetual care, maintenance, and embellishment.

Disposition of proceeds.

8713. The vacation of an alley, avenue, roadway, walk, driveway, street, or park adjacent to a privately owned plot does not vest any interest in the owner of the plot to the vacated portion; but the adjacent owner shall, for ten days after the date of the order of vacation, have the right to purchase the new plots at the price fixed by the court. If there is more than one adjacent plot owner, the new plots shall be sold to the one offering the highest price.

Vacation of road adjacent to plot.

8714. In allowing any damages to any plot owner for such vacation, the court shall take into consideration the benefit to be received from perpetual care.

Damage allowance.

8715. The provisions of this article are hereby declared to be a necessary exercise of the police power of the State in order to preserve and keep existing cemeteries as resting places for the dead and to preserve cemeteries from becoming unkept

Declaration of policy.

and places of reproach and desolation in the communities in which they are located. The taking of roadways, alleys, walks, avenues, driveways, streets and parks for the purposes and by the method in this section specified, regardless of the private character of the association or person applying therefor, is hereby declared an exercise of the right of eminent domain in behalf of the public health, safety, comfort, pleasure, protection, and historic instruction to present and future generations.

Article 2. Care of Active Cemeteries.

Perpetual
care funds.

8725. Every cemetery authority which now or hereafter maintains a cemetery may place its cemetery under perpetual care and establish, maintain, and operate an irreducible perpetual care fund. Perpetual care and special care funds may be commingled for investment and the income therefrom shall be divided between the perpetual care and special care funds in the proportion that each fund contributed to the principal sum invested. The funds may be held in the name of the cemetery authority or its directors or in the name of the trustees appointed by the cemetery authority.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8725. Every cemetery authority which now or hereafter maintains a cemetery may place its cemetery under perpetual care and establish, maintain, and operate an irreducible fund for the general perpetual care of the cemetery.

Principal:
Maintenance.

8726. The principal of all funds for perpetual care shall forever remain irreducible and inviolable and shall be maintained separate and distinct from all other funds.

Investment.

8727. The principal of all funds for perpetual care shall be invested, from time to time reinvested, and kept invested and the income earned shall be used solely for the general care, maintenance, and embellishment of the cemetery, and shall be applied in such manner as the cemetery authority may from time to time determine to be for the best interest of the cemetery.

Charges.

8728. The cemetery authority may from time to time adopt plans for the general care, maintenance, and embellishment of its cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will perpetually provide care, maintenance, and embellishment.

Agreements:
For care of
cemetery.

8729. Upon payment of the purchase price and the amount fixed as a proportionate contribution for perpetual care, there may be included in the deed of conveyance or by separate instrument an agreement perpetually to care, in accordance

with the plan adopted, for the cemetery and its appurtenances to the proportionate extent the income received by the cemetery authority from the contribution will permit.

8730. Upon the application of an owner of any plot, and upon the payment by him of the amount fixed as a reasonable and proportionate contribution for perpetual care a cemetery authority may enter into an agreement with him for the care of his plot and its appurtenances. For care of plot.

8731. The cemetery authority may appoint a board of trustees of not less than three in number as trustees of its perpetual care fund. The members of the board of trustees shall hold office subject to the direction of the cemetery authority. Trustees.

8732. The directors of a cemetery authority, if any, may be the trustee of its perpetual care fund. When the fund is in the care of the directors as a board of trustees the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings. Same.

8733. No sum in excess of five per cent of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee. Compensation.

8734. The cemetery authority or the persons in whose names the funds are held shall, annually, and within thirty days after the end of the calendar or fiscal year of the cemetery authority, make and file with it a true and correct written report, verified by an officer of the cemetery authority or by the oath of one or more of the trustees, showing the actual financial condition of the funds. Report.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8734. The trustees shall, annually, and within thirty days after the end of the calendar or fiscal year of the cemetery authority, make and file with it a true and correct written report, verified by the oath of one or more trustees, showing the actual financial condition of the trust.

8735. A cemetery authority which has established a perpetual care fund may take, receive, and hold as a part of or incident to the fund any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its perpetual care fund. Property incidental to fund.

8736. The perpetual care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Perpetual care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery and a provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming Nature of perpetual care.

unkept and places of reproach and desolation in the communities in which they are situated.

Uncertainty
of bene-
ficiaries, etc.

8737. No payment, gift, grant, bequest, or other contribution for general perpetual care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the trust, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Perpetual
care
cemetery.

8738. A perpetual care cemetery is one which shall hereafter deposit in its perpetual care fund out of the initial sale not less than the following amounts for plots sold or disposed of:

(a) Twenty-five cents a square foot for each grave;

(b) Five dollars for each niche;

(c) Fifteen dollars for each crypt; provided, however, that in the event there shall be located upon any one property or contiguous properties, a mausoleum or mausoleums containing in the aggregate six thousand crypts under the actual ownership of one cemetery authority; and provided also, that there shall have been deposited in said perpetual care fund mentioned in this code, a sum equal to ten dollars from the initial sale or disposal of each crypt theretofore sold or disposed of, including perpetual care funds accumulated prior to the passage of this code, then and thereafter such perpetual care cemetery shall be required to deposit in the perpetual care fund mentioned in this code, not less than the sum of ten dollars for each crypt thereafter sold or disposed of.

(Added by Stats. 1939, Ch. 339.)

Nonper-
petual care
cemetery.

8739. A nonperpetual care cemetery is one that does not deposit in a perpetual care fund the minimum amounts specified in section 8738.

(Added by Stats. 1939, Ch. 339.)

Other per-
petual care
ceteries.

8740. A cemetery which otherwise complies with section 8738 may be designated a perpetual care cemetery even though it contains a small section which may be sold without perpetual care, if the section is separately set off from the remainder of the cemetery and if signs are kept prominently placed around the section designating the same as a "nonperpetual care section" in lettering equivalent to a minimum of forty-eight point black type. There shall be printed at the head of all contracts, agreements, statements, receipts and certificates of ownership or deeds referring to plots in the section the phrase "nonperpetual care" in lettering equivalent to a minimum of ten-point number two black type.

(Added by Stats. 1939, Ch. 339.)

8741. Each perpetual care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below:

Posted
notice: Per-
petual care.

(a) A heading containing the words "perpetual care"—which shall appear in a minimum of forty-eight point black type.

(b) This is a perpetual care interment property.

(c) Names of officers and directors of the cemetery authority and persons entrusted with the investment of the perpetual care fund.

(Added by Stats. 1939, Ch. 339.)

8742. Each perpetual care cemetery shall file in its office a written report which shall contain:

Report.

(a) Amount of principal of the perpetual care fund.

(b) Total amount invested in bonds, securities or other investments authorized by law and the total amount of cash on hand not invested which shall actually show the financial condition of the trust.

(c) Number of square feet of grave space and number of crypts and niches under perpetual care, prior to and subsequent to the enactment of this section, each separately set forth.

(Added by Stats. 1939, Ch. 339.)

8743. Each nonperpetual care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below:

Posted
notice: Non-
perpetual
care.

(a) A heading containing the words "nonperpetual care"—shall appear in a minimum of forty-eight point black type.

(b) This is not a perpetual care interment property.

(c) Names of officers and directors of the cemetery authority.

(Added by Stats. 1939, Ch. 339.)

8744. There shall be printed at the head of all contracts, agreements, statements, receipts, literature and other publications of nonperpetual care cemeteries the following form:

Notice on
contracts.

"This institution is operated as a 'nonperpetual care' interment property." The phrase "nonperpetual care" shall appear in a minimum of ten-point number two black type.

(Added by Stats. 1939, Ch. 339.)

8745. All the information appearing on the signs and report filed in the cemetery office shall be revised annually

Verification.

and verified by the president and secretary, or two officers authorized by the cemetery authority.

(Added by Stats. 1939, Ch. 339.)

Penalty.

8746. Any person, partnership, corporation, association, or his or its agents or representatives, who shall violate any of the provisions of this article, or make any wilful or false statement appearing on said sign, contract, agreement, receipt, statement, literature or other publication shall be guilty of a misdemeanor.

(Added by Stats. 1939, Ch. 339.)

Article 3. Investment of Perpetual Care Funds.

Limitation
on use.

8750. Perpetual care funds shall not be used for any purpose other than to provide through income only for the perpetual care stipulated in the resolution, by-law, or other action or instrument by which the fund was established.

Investments.

8751. The funds shall be invested and reinvested, and kept invested in:

(a) Bonds of the United States or this State, or of any county, city and county, or city in this State.

(b) Bonds legal for investment for savings banks in this State.

(c) First mortgages or first trust deeds on improved real estate.

(d) Income producing improved real estate in any city or county in this State.

(e) Investment certificates in any building and loan association organized, existing and doing business under the laws of this State.

(f) Investments of the type enumerated for domestic incorporated insurers in Article 3, Chapter 2, Part 2, of Division 1 of the Insurance Code of this State.

(g) By deposit in a bank which is insured by the Federal Deposit Insurance Corporation.

(h) Shares of a duly chartered and insured Federal Savings and Loan Association.

(Amended by Stats. 1939, Ch. 339.)

[ORIGINAL SECTION.]

8751. The cemetery authority or its trustees shall invest, reinvest, and keep such funds invested in:

(a) Bonds of the United States or this State, or of any county, city and county, or city in this State.

(b) Bonds legal for investment for savings banks in this State.

(c) First mortgages or first trust deeds on improved real estate.

(d) Centrally located income producing improved real estate in any city or county in this State.

(e) Investment certificates in any building and loan association organized, existing and doing business under the laws of this State.

Article 4. Special Care.

8775. A cemetery authority which has established perpetual care may also take and hold any property bequeathed, granted, or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes:

Property
for special
purposes.

(a) Improvement or embellishment of all or any part of the cemetery or any lot in it.

(b) Erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery.

(c) Planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery.

(d) Special care or ornamenting of any part of any plot, section, or building in the cemetery.

(e) Any purpose or use not inconsistent with the purpose for which the cemetery was established or is maintained.

8776. The sums paid in or contributed to the fund authorized by this article are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred or to be interred in the cemetery and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for such purpose is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Nature of
contribu-
tions.

Uncertainty
of bene-
ficiaries, etc.

Article 5. Misrepresentations as to Perpetual Care.

8780. Every person who sells, offers for sale, or advertises, any plot under representation that the plot is under perpetual care, before a perpetual care fund has been established for the cemetery in which the plot is situated, is guilty of a misdemeanor.

Misrep-
resentation.

CHAPTER 6. REINCORPORATION OF CEMETERY ASSOCIATIONS.

8800. When the corporate existence of a cemetery association expires or has expired, and the directors, trustees, or persons in control of the association cause it to continue to exercise its functions, if the cemetery association was a non-stock corporation it may reincorporate by filing with the Secretary of State articles of reincorporation and a certificate of intention to reincorporate pursuant to this chapter.

Reincorpo-
ration.

Articles.

8801. The articles of reincorporation shall state:

- (a) The name of the reincorporating cemetery association.
- (b) The purposes for which it is formed.
- (c) The county in which the principal office for the transaction of the business of the association is to be located.
- (d) The stock, certificate, or membership structure.
- (e) The names and addresses of the persons, not less than three, who are appointed to act as first directors or trustees of the reincorporated association.
- (f) The name of the former association which is being reincorporated.
- (g) Any provisions allowed by law to be stated in articles of incorporation.

Certificate.

8802. The certificate of intention to reincorporate shall contain or have annexed to it by exhibit:

- (a) A statement showing the period the association has acted in a de facto capacity.
- (b) A statement of the names, number, length of service in that capacity, and compensation of directors, trustees or persons in control of the association.
- (c) A statement of the number of membership certificates issued during the de facto period, and the amount paid for them.
- (d) A copy of the resolution of intention to reincorporate with a certificate of the person acting as secretary, showing that it was adopted by a majority of the acting directors, trustees, or persons in control at the time.
- (e) A statement that the association failed to reincorporate prior to expiration of the period of corporate existence under the last articles filed by it.

Filing:
Secretary
of State.

8803. If the Secretary of State finds that the articles of reincorporation and the certificate comply with the provisions of this chapter, he shall file them in his office and endorse on them the date of filing.

Corporate
existence.

8804. The corporate existence under the articles of reincorporation begins at the time of the filing of the articles and continues perpetually unless otherwise provided by law.

Filing:
County clerk.

8805. A certified copy of the articles of reincorporation shall be filed with the county clerk of the county in which the principal office of the association is located, and in every county in which the association owns real property.

Vesting of
property,
etc.

8806. Upon reincorporation all of the assets and real and personal property of the cemetery association whose corporate existence has expired vests, by operation of law, in the reincorporated cemetery association. The reincorporated association succeeds to all rights and obligations of the former association and all members or certificate holders in the former

association are members or certificate holders in the reincorporated cemetery association.

PART 4. PUBLIC CEMETERY DISTRICTS.

CHAPTER 1. GENERAL PROVISIONS.

8890. Public cemetery districts consisting of contiguous Territory. lands in one or more counties may be formed pursuant to this part.

8891. "District," as used in this part, means any public "District." cemetery district organized pursuant to this part or pursuant to any law which it supersedes.

8892. "Trustees," as used in this part, means the board of "Trustees." trustees of a district.

CHAPTER 2. PETITION.

8900. Fifty or more citizens who are owners of land located Petition. within a proposed district, whose names appear as owners upon the last completed assessment roll of the county in which a majority of the acreage of the proposed district is situated, may petition for the organization of a district.

8901. The petition shall definitely describe the boundaries Contents. of the proposed district and request that the territory within the boundaries be organized into a district.

8902. The petition shall be presented to the board of super- Presentation. visors of the county in which a majority of the acreage of the proposed district is situated, at a regular or special meeting of the board.

8903. The petition may consist of any number of separate Separate instruments. instruments, which, except as to signatures, shall be duplicates.

CHAPTER 3. NOTICE OF HEARING.

8910. The board of supervisors, by resolution, shall fix a Publication. time for hearing the petition not less than two nor more than five weeks from the time of presentation, and shall cause notice to be given at the time and place of hearing, by publication in some newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of hearing.

8911. The notice shall contain a copy of the petition, but Copy of petition. the names attached to the petition need not be included in the notice or publication.

Statement. 8912. The notice shall state that any person residing in or owning property within the proposed district or within any existing cemetery district, any part of the territory of which is described in the petition, may appear before the board at the hearing, and show cause why the petition should not be granted, or why the proposed boundaries should be changed.

CHAPTER 4. HEARING.

Determination. 8920. At the time fixed for hearing, the board of supervisors shall hear the petition and shall determine by resolution whether or not it complies with this part and whether or not notice has been published as required. The board shall
Testimony. hear all competent and relevant testimony offered in support of or in opposition to the petition.

Adjournment. 8921. The hearing may be adjourned from time to time, not exceeding two weeks in all.

Defects. 8922. No defect in the contents of the petition or in the title to or form of the notice or in the signatures vitiates any proceeding if the petition has sufficient qualified signatures.

Finding. 8923. A finding of the board of supervisors in favor of the genuineness and sufficiency of any petition presented to it pursuant to this part, and a finding that due notice of hearing has been given, is final and conclusive against all persons except the State of California, upon suit commenced by the Attorney General. Any such suit shall be commenced
Suit. within one year after the order of the board of supervisors declaring the district organized.

Sufficiency of petition and notice. 8924. If the board of supervisors determines that the petitioners have complied with this part and that the notice has been published as required, it shall proceed to a final hearing.

Boundaries. 8925. The board shall make such changes in the boundaries of the proposed district as it deems advisable and shall define and establish the boundaries, and may include any territory described in the petition which is within the boundaries of an existing cemetery district, and, if so included by the board, the territory, upon the organization of the proposed district, shall cease to be a part of the existing district.

Opposition. 8926. Any person residing or owning property within the proposed district or within an existing cemetery district may appear before the board of supervisors at the hearing, in person or by attorney or agent, and oppose the creation of the district or request a change in its boundaries and may produce evidence in support of his opposition or request.

CHAPTER 5. PROTEST AND ELECTION.

Protest. 8930. Registered voters within the boundaries of the proposed district, equal in number to at least ten per cent of the

number of votes cast for the office of Governor at the last preceding gubernatorial election, or the owners of more than ten per cent of the total assessed valuation of the land in the proposed district may appear at the hearing, in person, or by attorney or agent, and protest the creation of the district or request a change in its boundaries.

8931. If a change in boundaries is requested and if the change is not made in the order creating the district, or if the creation of the district is protested, the board shall call a special election to determine whether or not the district shall be created. Special election.

8932. If the election is called, the board shall, in its order, specify the time and place for the election, the voting places and the number of precincts within the district, if in the judgment of the board more than one voting place is necessary, and shall, in its order, appoint and designate two judges and one clerk for each polling place. Time and place, etc.

8933. The election officials shall be qualified electors of the district, and shall conduct the election. Election officials.

8934. The election shall be held in all respects as nearly as practicable in conformity with the general election law. Election law.

8935. A new register or legal ballot paper shall not be required. The polls shall be open from eight o'clock a.m. to seven o'clock p.m., on the day appointed for the election. Register, polls.

8936. The ballots shall contain the words "Cemetery District, Yes" and "Cemetery District, No." Ballots.

8937. The judges of the election shall within twenty-four hours after the closing of the election, make return of and certify the votes to the board, showing the total number of votes cast, the number of votes in favor of and the number of votes against creation of the district. Vote return.

8938. If a majority of the votes are cast in favor of the formation of the district, the board of supervisors shall proceed with the organization. Favorable vote.

8939. If a majority of the votes are cast against the formation of the district, all further action by the board under the petition shall cease, and no further or other petition for the organization of a cemetery district in the territory specified in the petition shall be received or acted upon within six months after the election. Unfavorable vote.

8940. Upon conclusion of the canvass of the ballots of the election, if one is held, and if the returns of the election are Approval of petition.

Declaration. favorable to the formation of a district, and upon conclusion of the hearing of the matter, if no election is held, the board shall, by an order entered in its minutes, approve the petition as originally presented or as modified, and declare the territory embraced within the boundaries established by the board organized as a district.

Formation completion. 8941. The board shall then cause a certified copy of the order to be immediately filed for record in the office of the county recorder of the county. From and after the filing, the organization of the district is complete.

CHAPTER 6. GOVERNMENT.

Trustees. 8950. The district shall be governed and managed by three trustees, appointed by the board of supervisors of the county, or if the district is in more than one county, by the supervisors of the county in which the largest portion of the district is located.

Qualifications. 8951. The trustees shall be appointed from the electors residing within the district.

Terms, compensation. 8952. The trustees shall hold office for four years and until the appointment and qualifications of their successors, and shall serve without compensation.

CHAPTER 7. POWERS.

Seal, suits. 8960. A cemetery district may adopt and use a common seal and may sue and be sued by its name.

Cemetery. 8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents of the district or of members of the family of a resident who has theretofore purchased a burial plot.

Streets, etc. 8962. The district may maintain and care for all public streets, alleys, ways, and places, in any cemetery within the district, and for these purposes may take and hold title to property by grant, gift, devise, lease, or any other method.

Necessary acts. 8963. The district may do all acts necessary or proper for the carrying out of the purposes of this part, including the selling or leasing of burial lots.

Rules and regulations. 8964. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws relating to cemeteries, and not inconsistent with this part, apply to the cemeteries provided for in this part.

CHAPTER 8. FINANCE AND TAXATION.

Article 1. Estimate of Expenses.

8970. The trustees shall annually, at or before the time Estimate. fixed by law for filing estimates of expenditures, estimate and certify to the board of supervisors of the county in which the district is situated, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and for the acquisition of property necessary for the purposes of the district during the ensuing fiscal year.

8971. If the district is in more than one county, the total Division. estimate shall be divided by the board of trustees in proportion to the value of the real property of the district in each county.

8972. This value shall be determined from the equalized Value. values of the last assessment rolls of the counties.

8973. When the division of the estimate has been made, Certification. the trustees shall certify to the board of supervisors of the respective counties that part of the estimate apportioned to each county.

Article 2. Taxation.

8980. The board of supervisors of each county in which is Tax levy. situated all or any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the trustees.

8981. The tax so levied shall not exceed two mills on each Maximum tax. dollar of assessed valuation of the property in the district.

8982. The tax shall be collected by the same officers and Collection and deposit. in the same manner as other county taxes, and the money and all other money received by the trustees, shall be paid into the county treasury and constitute a separate fund. The fund shall be expended solely for the purposes of the cemetery district upon warrants issued by the county auditor on orders Warrants. signed by not less than two of the trustees.

8983. If the district is in more than one county, the Fund repository. treasurer of the county in which the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties in which is situated a portion of the district, shall, at any time, but not oftener than twice each year, upon the order of the trustees, settle with the trustees and pay over to the treasurer of the

county in which the district was organized, all money in their possession belonging to the district.

Custody
and dis-
bursement.

8984. The treasurer of the county in which the district was organized shall receive and receipt for the money and place it to the credit of the district. He is responsible upon his official bond for the safekeeping and disbursement of all money of the district held by him.

Accrued
funds, etc.

8985. All funds on hand, accruing from a previous assessment, in the treasury of any unit of the proposed district or district already in existence, or that may be accumulated through gift, bequest, or assessment, shall be paid over to the county treasurer of the county in which the district was organized.

Article 3. Trustees Report.

Report.

8990. As soon after the first day of July in each year as practicable, the trustees shall file with the board, or boards of supervisors if the district is situated in more than one county, a report, setting forth all their transactions during the fiscal year, and containing an itemized account of all their receipts and disbursements during the fiscal year together with proper vouchers for them.

Article 4. Perpetual Care Fund.

Perpetual
care fund.

9000. The trustees may, upon a two-thirds vote, establish and create a fund to be known as "the perpetual care fund," and for this purpose may set aside, use, and apply from any unexpended funds such sum as in the judgment of the trustees may be necessary or expedient to provide for the perpetual care of the burial lots in the cemetery and for this purpose may receive property by grant, gift, devise, or any other method.

Taxes.

9001. No part of the tax levy shall be used for the perpetual care fund.

Investment.

9002. The trustees may invest and reinvest the principal of the fund in such income producing securities as may be approved by the treasurer and the district attorney of the county in which the district is situated.

Limitation.

9003. No part of the principal of the fund shall be expended for the care of the lots, but such expenditures shall be limited to the income from the fund.

Report.

9004. The trustees shall annually on or before the first day of July, file with the board of supervisors of the county in which the district is situated, an itemized report of the receipts and expenditures from the fund.

9005. All money received from the income of the fund shall be deposited in the county treasury of the county in which the cemetery is situated, in the perpetual care fund. This fund shall be expended solely for the purpose specified upon warrants issued by the county auditor on orders signed by not less than two of the trustees. Income.

CHAPTER 9. ANNEXATION OF TERRITORY.

Article 1. Petition.

9025. The boundaries of any district may be altered and outlying territory, whether in one or more counties, may be annexed as provided in this chapter. Authority.

9026. Fifty or more freeholders within the territory proposed to be annexed, or a majority of freeholders if there are less than one hundred within the territory proposed to be annexed, may present a petition for annexation of territory to the board of supervisors of the county in which the district is situated, or if the district is in more than one county, to the board of supervisors of the county in which the largest portion of the district is situated. Petition.

9027. The petition shall designate the boundaries of contiguous territory proposed to be annexed. Boundary designation.

Article 2. Notice and Hearing.

9050. At the first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is such a newspaper, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition. Notice:
Publication
or posting.

9051. Upon the date fixed for hearing, or to which it may be continued, the board of supervisors shall consider the petition and any objections which may be filed to the inclusion of property in the district. Hearing.

9052. The board of supervisors, by order entered on its minutes, may grant the petition either in whole or in part, and, by order entered on its minutes, may alter the boundaries of the district and annex all, or such portion of the territory described in the petition as will be benefited by inclusion in the district. Order.

9053. From and after the making of the order, the territory annexed is a part of the district and is liable, together Effect of
order.

with the remainder of the district, for all taxes to be levied for the operation and maintenance of the district.

Exclusion of territory. 9054. Territory which will not be benefited, or which is not contiguous to the district, or which is not described in the petition, shall not be included in the district.

CHAPTER 10. WITHDRAWAL OF TERRITORY.

Article 1. Petition.

Authority. 9075. Any portion of a district which will not be benefited by remaining within the district may be withdrawn as provided in this chapter.

Petition. 9076. Fifty or more freeholders residing in, or owning property within the portion desired to be withdrawn from a district or a majority of freeholders, if there are less than one hundred freeholders within the portion sought to be withdrawn, may request withdrawal of that portion from the district on the ground that that portion will not be benefited by remaining in the district.

Article 2. Notice and Hearing.

Time for hearing. 9077. The board of supervisors shall fix a time for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a district, which shall not be less than ten nor more than sixty days after the receipt of the petition. The board shall, at least thirty days prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper, circulated in the district, which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.

Notice.

Objections. 9078. Any person interested may appear at the hearing and object to the withdrawal of that portion from the district, and may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon the petition and objections and if it finds that that portion of the district sought to be withdrawn will not be benefited by remaining within the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

Determination.

CHAPTER 11. EFFECT ON PREVIOUS LAWS.

Effect of repeal. 9100. No right or obligation accrued by the formation or operation of a cemetery district pursuant to the provisions of Chapter 106, Statutes of 1909, as amended, is affected by the repeal of that act, and any district organized may continue in existence and subject to that act.

PART 5. MAUSOLEUMS AND COLUMBARIUMS.

CHAPTER 1. GENERAL PROVISIONS.

9501. As used in this part:

Definitions.

“Mausoleum” means any building, used, or intended to be used, for the interment of uncremated human remains.

“Columbarium” means any building, used, or intended to be used, for the interment of cremated human remains.

9502. This part applies to all buildings, mausoleums and columbariums used or intended to be used for the interment of the remains of fifteen or more persons whether erected under or above the surface of the earth where any portion of the building is exposed to view or, when interment is completed, is less than three feet below the surface of the earth and covered by earth.

Scope of part.

9503. A building not erected for, or which is not used as, a place of interment of human remains which is converted or altered for such use is subject to this part.

Converted or altered building.

CHAPTER 2. ENFORCEMENT.

9525. The building department of each city and county shall enforce the provisions of this part pertaining to the erection, construction, reconstruction, conversion, and alteration of mausoleums, columbariums, and buildings erected or used for the interment of human remains, and shall issue certificates of final completion and acceptance upon compliance with this part.

Within cities: Building department.

9526. The health department of each city or county, shall enforce the provisions of this part pertaining to sanitation, ventilation, use, and maintenance after the mausoleums or columbariums have been erected, constructed, reconstructed, converted, or altered.

Health department.

If there is no health department in the city or county, the officer or officers who are charged with the enforcement of ordinances and laws regulating the sanitation, ventilation, and maintenance of buildings, shall enforce the provisions of this part pertaining to sanitation and use of mausoleums and columbariums.

9527. Every city or county may designate and charge by ordinance any department or officer with the enforcement of any portion of this part.

Designation.

9528. In every county the officer or officers charged with the enforcement of ordinances or laws regulating the erection, construction, conversion, or alteration, or the ventilation, sanitation, and maintenance, of buildings, shall enforce the provisions of this part outside of the limits of any city.

Outside cities.

CHAPTER 3. PERMITS AND PLANS.

Article 1. General Provisions.

Building
permit.

9550. It is unlawful for any person to construct, or cause or permit to be constructed upon any property belonging to or controlled by him, any building, or to make any alterations or changes or do reconstruction work upon, in or to any building erected prior to August 14, 1929, for use as a place of interment of human remains without first having applied for and procured a building permit.

Conformance
with plans.

9551. The erection, construction, reconstruction, or alteration of any such buildings shall be in accordance with the plans and specifications submitted and filed and for which the permit is issued.

Article 2. Application and Plans.

Application.

9560. A person desiring a permit shall file a written application on forms furnished by the department with the department charged with the duty of issuing the permit.

The application shall:

(a) Show in detail the proposed erection, construction, reconstruction, or alteration.

(b) State the name and address of the owner.

(c) State the name and address of the architect, structural engineer, or contractor, if any.

(d) State that the plans and specifications are true and contain a correct description of the proposed work.

(e) Give any other data or information required by the department.

Plans and
specifica-
tions.

9561. The application shall be accompanied by:

(a) Two full, true and complete sets of plans showing in detail the work proposed and whether it is for new work, reconstruction, or alteration.

(b) Two sets of specifications describing the proposed work.

(c) Two plans of the lot or land on which the building is proposed to be erected, reconstructed, or altered.

Issuance
of permit.

9562. The department charged with the enforcement of this part shall cause all plans, specifications, and statements to be examined and, if they conform to the provisions of this part, shall issue a permit to the person requesting it.

Change
in plans.

9563. The department may, from time to time, approve changes in any plans, specifications, or statements previously approved if the changes are in conformity with the provisions of this part.

9564. A true copy of the plans, specifications, and other information submitted or filed upon which a permit is issued, with the approval of the department with which they are filed, stamped or written on the copy, and signed by the officer or officers authorizing the permit, shall be kept upon the premises of the building for which the permit is issued from the commencement of the work until final completion and acceptance, and shall be subject to inspection at all times by proper authorities. Keeping plans.

Article 3. Cancellation of Permit.

9575. In the case of any refusal, failure, or neglect of the person to whom a permit or approval has been issued to comply with all of the provisions of this part, or in case any false statement or misrepresentation is made in any of the plans, specifications or statements submitted or filed for the permit or approval, the department shall revoke or cancel any permit or approval it has previously issued. Cancellation.

Article 4. Expiration of Permit.

9580. The issuance or granting of a permit or approval is not a permit or approval of a violation of any provision of this part. Effect of issuance.

9581. Every permit or approval under which no work is done within ninety days from the date of issuance, or under which work has been suspended for a period of ninety days, expires by limitation and a new permit shall be obtained before the work may proceed. Expiration.

CHAPTER 4. INSPECTION AND APPROVAL.

9590. When the work is completed in accordance with the plans, specifications, and statements previously made and upon which the permit or approval was issued, the owner or contractor shall notify the department charged with the enforcement of this part. Notification.

9591. The department shall inspect or cause the work to be inspected, and shall issue a certificate of final completion if the work has been performed in accordance with the approved plans, specifications, and statements, and, if not, it shall refuse to issue the certificate. Inspection and certificate.

CHAPTER 5. CONSTRUCTION.

Article 1. General Provisions.

9600. No building or structure intended to be used for the interment of human remains shall be constructed, and a build- Material and workmanship.

ing not used for the interment of human remains shall not be altered for use or used for interment purposes, unless constructed of such material and workmanship as will insure its durability and permanence as dictated and determined at the time by modern mausoleum construction engineering science, the minimum requirements for which are set forth in this chapter.

Class "A" fireproof construction. 9601. All mausoleums or columbariums hereafter constructed shall be of class "A" fireproof construction.

Definition. 9602. Class "A" fireproof construction, also designated as "fireproof," class "A" construction, or "skeleton" construction, includes every building in which all external or internal loads or strains are transferred to the foundations by means of a structural frame of fire protected structural steel or reinforced concrete, or the columns, beams, and girders of which are riveted to each other at their respective juncture points.

Buildings within definition. 9603. Buildings not exceeding twenty-five feet in height and constructed of granite or marble shall be considered as of class "A" construction when they fulfill all other provisions of this chapter.

Details of construction. 9604. All details of construction such as structural strength, fireproofing, ventilation of rooms and hallways, plumbing, lighting, and all other details commonly specified under class "A" construction, shall be in accordance with the ordinances and specifications governing class "A" construction in the cities of San Francisco or Los Angeles, and shall be directly in accordance with the ordinances and specifications of that city above named which is the lesser distance from the site of the mausoleum or columbarium to be constructed.

Violation of local ordinances. 9605. If the proposed site is within the jurisdiction of a city having ordinances and specifications governing class "A" construction, the provisions of the local ordinances and specifications shall not be violated.

Article 2. Structural and Material Requirements.

Minimum requirements. 9625. All structural design and materials shall conform substantially with the minimum requirements set forth in this chapter.

Earthquake stresses. 9626. Earthquake stresses shall be considered in all structural design.

Structural members. 9627. All footings, bearing walls, beams, columns, floor slabs, and other structural members shall be designed and constructed with a safety factor of four.

9628. All floors shall be designed for live load of not less Floors.
than one hundred pounds per square foot.

9629. Footings for any mausoleum, or columbarium here- Footings:
after erected shall be of concrete, reinforced with steel as Material.
required structurally.

9630. All live and dead loads shall be transferred by the Loads.
walls or columns direct to the footings.

The total load on any footing shall not exceed the safe soil
bearing value as determined by a loading test.

9631. Footings shall be designed for total loads, but rela- Size, etc.
tive sizes of footings shall be governed by the dead loads only,
with a proper reduction of the allowable soil bearing value.

9632. Each crypt shall be designed for a total live load Crypts.
of six hundred pounds.

9633. Any mausoleum or columbarium load-carrying walls Load-
hereafter erected shall be constructed of the following mate- carrying
rials, singly or in combination: Concrete, cut stone, cast walls.
stone, granite or marble, all reinforced, anchored, and sup-
ported in such a manner as to insure an enduring and safe
structure.

9634. In any new building, or in any alteration or addi- Bearing
tion to any existing building for use for the interment of walls.
human remains, all bearing walls shall be of granite, marble, or
reinforced concrete.

9635. If the building exceed twenty-five feet in height, Same.
bearing walls shall be of reinforced concrete.

9636. Where any wall is constructed against a bank of Water-
earth or rock or other porous material the exterior face of proofing.
the wall above the footing shall be thoroughly and efficiently
waterproofed before backfilling is done.

9637. Fastenings on hangers, clasps, clips, wires, doors, Fastenings.
and other fasteners shall be of brass, aluminum or copper of
not less than twenty-two gauge copper-bearing iron or steel.

9638. All base, architraves, wainscoting, and all other ver- Vertical
tical work shall be securely clamped to the backing with rods work.
and heavy wire clips or other anchoring devices of materials
specified in section 9637. All cast clips shall be countersunk
into the joint surface and set in plaster.

9639. Marble floor work shall be set in a full bed of non- Marble
staining cement mortar of a proportion of not less than one floor work.

part of cement to two parts of sand and tamped to a uniform bearing true to line.

Stone. 9640. All stone of any description shall be set on an even bed of mortar except lug sills and similar work exposed to uneven pressure which shall be bedded only at the ends.

Mortar joints. 9641. Mortar joints shall be of uniform thickness not to exceed three-sixteenths of an inch and shall be raked out to a depth of three-quarters inch as the work progresses.

Cleaning joints, etc. 9642. On completion of granite, cut stone, or cast stone work all joints shall be brushed, cleaned thoroughly, wet, and carefully filled with mortar, solidly packed in and pointed.

Mortar for pointing. 9643. Mortar for pointing shall be composed of one part lime putty, two parts white Monterey sand, or its equivalent, and two parts of nonstaining Portland cement.

Material. 9644. Every building, vault, or structure for use for the interment of human remains shall be constructed throughout of nonflammable material, and all steel work shall be covered with not less than two inches of concrete, except that steel framework for elevators, windows, doors, skylights, and other similar openings need not be encased in concrete, but shall be treated with an efficient preservative.

Roof. 9645. The roof shall be constructed of reinforced concrete, granite, tile, or marble. The upper surface of all reinforced concrete roofs shall be covered with asphaltum, or other fire resisting material.

Skylights. 9646. Skylight frames shall be of galvanized iron not less than number twenty-four gauge or copper. All joints shall be riveted and soldered. All glass in skylights shall be wire glass not less than one-fourth of an inch in thickness.

Crypt walls: Concrete. 9647. All walls of crypts not built of granite or marble shall be constructed of concrete mixed with the proportion of not less than one part of cement to two and one-half parts sand and three and one-half parts crushed rock or screen gravel.

Thickness. 9648. All crypt walls shall be not less than four inches in thickness and shall be reinforced with steel; crypt floor slabs shall be not less than three inches thick and shall be reinforced with steel to conform to slab specifications of class "A" construction.

Load strains. 9649. In no case shall the concrete walls of a crypt or niche be so constructed as to be subject to any of the load strains of the building structure, except where crypt or niche walls intersect or are a part of structural walls.

9650. In mausoleums where air ventilation is used and crypts are situated adjacent to an outside building wall below ground level an air space not less than eighteen inches wide shall be provided between the outside wall and the crypt walls and the air space shall be supplied with ventilation and shall have one or more doorways not less than fifteen inches wide by five feet high. Air space.

9651. The mortar for setting all stone work shall be composed of not less than one part of nonstaining Portland cement to three parts of clean, white, coarse sand, tempered with lime putty. Mortar for stone setting.

9652. All bed joints shall be accurately cut or sawed to true planes and shall contain no concave surface. Bed joints.

9653. Cut stone or cast stone exterior veneering shall be not less than two inches in thickness for all courses. Marble exterior veneering shall be not less than one and one-half inches in thickness for all courses. Terra cotta exterior veneering shall conform to standard practice. Veneering: Thickness.

9654. All exterior veneering work shall be bonded or tied to the structural steelwork and masonry as follows: Corners, belt courses, copings, pilasters, bases, caps, sills, architraves, and other ornamental and special work which may have projecting members shall have sufficient bearing on the walls to balance independent of anchors. Bonding.

9655. Sills shall extend not less than three inches back of the window sill proper and shall have a fillet to receive the sills. Sills.

9656. All exterior veneering shall be anchored by placing one-quarter inch diameter anchors at the top of each stone and these anchors shall set into seats in the stone not less than one inch in depth and shall extend into the concrete work not less than six inches, and the face of the concrete shall not be less than three inches back of the stone unless dowel type of anchors are used. Anchors.

9657. All dowel anchor slots shall be made of twenty-two gauge copper-bearing galvanized iron. There shall be two anchors for each stone one foot six inches or over in length and one anchor for smaller stones and anchors shall be placed not over one foot from the ends of the stone. All anchors shall be dipped in hot asphaltum. Same.

CHAPTER 6. PENALTIES.

9675. Every person who violates any provision of this part is guilty of a misdemeanor, punishable by a fine of not Violation.

less than fifty nor more than five hundred dollars or by imprisonment in a county jail not less than ten days nor more than six months, or by both; and in addition is liable for all costs, expenses, and disbursements paid or incurred by the department or person prosecuting the case.

Unlawful
erection.

9676. Every owner or operator of a mausoleum or columbarium erected in violation of this part is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred nor more than five thousand dollars or by imprisonment in a county jail for not less than one month nor more than six months, or by both; and, in addition is liable for all costs, expenses and disbursements paid or incurred by the department or person prosecuting the case. Each calendar month during which such public nuisance exists constitutes a separate offense.

The costs, expenses, and disbursements shall be fixed by the court having jurisdiction of the case.

Exception.

9677. The penalties of this chapter shall not apply as to any building which, at the time of construction was constructed in compliance with the laws then existing, if its use is not in violation of the laws for the protection of public health.

DIVISION IX. VITAL STATISTICS.

CHAPTER 1. GENERAL PROVISIONS.

Enforcement.

10000. The State Department of Public Health is charged with the uniform and thorough enforcement of this division throughout the State, and may promulgate additional regulations for its enforcement.

Certificates.

10001. All certificates of birth or of death shall be written legibly, in durable black ink, and a certificate is not complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission.

Supplying
information.

10002. All physicians, midwives, informants, funeral directors, clergymen, or judges, and all other persons having knowledge of the facts, shall supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth, death, or marriage upon demand of the State registrar, in person, by mail, or through the local registrar.

Alteration of
certificates.

10003. No certificate of birth, death, or marriage, after its acceptance for registration by the local registrar or county recorder, and no other record made in pursuance of this division, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished.

10004. Every physician, midwife, and funeral director shall register his name, address and occupation with the local registrar of the district in which he resides. Registration.

10005. The local registrar shall supply each registrant with a copy of this division and the rules and regulations of the State registrar relative to its enforcement. Copy of law and rules.

10006. Within thirty days after the close of each calendar year each local registrar shall make a return to the State registrar of all physicians, midwives, or funeral directors who have been registered in his district during the whole or any part of the preceding calendar year. Annual return.

10007. No fee or other compensation shall be charged by local registrars to physicians, midwives, or funeral directors for registering their names or making returns to the State registrar. Fee.

10008. Every person in charge of a hospital, almshouse, lying-in or other institution, public or private, to which persons resort for treatment, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates thereof upon forms of certificates provided for by this division, as directed by the State registrar. Institution records.

10009. In case of persons admitted or committed for treatment of disease, the physician in charge shall specify in the record the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required shall be obtained from the individual himself if practicable; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts. Disease information.

10010. Every person who sells a casket except to a dealer or funeral director shall keep a record showing the name of the purchaser, his post-office address, name of decedent, and date and place of his death. This record shall be open to inspection of the State registrar at all times. On the first day of each month the person selling caskets shall report on a blank provided for the purpose, to the State registrar each sale in the preceding month. Persons selling caskets to dealers or funeral directors only are not required to keep such record. The report is not required from funeral directors when they have direct charge of the disposition of the body of a deceased person. Persons selling caskets: Records. Reports.

10011. Every person selling a casket at retail, and not having charge of the disposition of the body of a deceased person shall inclose within the casket a notice furnished by Notice.

the State registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State department concerning the interment or other disposition of human remains.

CHAPTER 2. ADMINISTRATION.

Article 1. State Administration.

- Bureau of vital statistics.** 10025. The State department shall maintain a bureau of vital statistics which shall have charge of such matters and shall have such powers as may from time to time be referred and delegated to it by the department.
- State registrar.** 10026. The department shall appoint a State registrar of vital statistics who shall be the head of and shall have general supervision and control over the bureau of vital statistics.
- Entire time to duties.** 10027. The State registrar shall devote his entire time to the duties of his office.
- Registration.** 10028. He shall, under the direction of the State department, have charge of registration of births, deaths, and marriages, and shall procure their faithful registration in each primary registration district and in the bureau of vital statistics.
- Forms.** 10029. He shall prepare and distribute all forms and blanks for use in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this division.
- Instructions.** 10030. He shall prepare and issue such detailed instructions as may be required to procure the uniform observance of this division and the maintenance of a perfect system of registration; and no forms or blanks other than those prepared by him shall be used.
- Examination of certificates.** 10031. He shall carefully examine the certificates received from the local registrars, and if they are incomplete or unsatisfactory he shall require such further information as may be necessary to make the record complete and satisfactory.
- Reports of violations.** 10032. When the State department deems it necessary, it shall report cases of violation of any of the provisions of this division to the district attorney of the county, with a statement of the facts and circumstances; and the district attorney shall forthwith initiate and promptly follow up the necessary court proceedings.
- Attorney general.** 10033. Upon request of the State department, the attorney general shall assist in the enforcement of the provisions of this division.

10034. The State registrar is charged with the execution of the provisions of this division in this State, and has supervisory power over local registrars, deputy local registrars, and subregistrars, so that all of the requirements of this division shall be uniformly complied with. Supervision.

10035. The State registrar, either personally or by an accredited representative may investigate cases of irregularity or violations of law. Investigations.

10036. The State registrar shall arrange, bind and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all births, deaths, and marriages registered. The index shall be arranged, in the case of deaths, by the names of decedents; in the case of births, by the names of fathers and maiden names of mothers; and in case of marriages by the names of both grooms and brides. Index.

10037. The State registrar shall inform all registrars which diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the State department, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread. Information re disease.

Article 2. Registration Districts.

10050. For the purposes of this division the State shall be divided into registration districts. Districts.

10051. Each city or city and county having at least five thousand inhabitants according to the next preceding federal census, constitutes a primary registration district. Primary districts.

10052. Each county, exclusive of the cities in it which constitute primary registration districts may be subdivided by the State registrar into a sufficient number of primary rural registration districts, the boundaries of which he shall define and which he may alter, combine, or subdivide from time to time, as may be necessary to promote efficient and convenient registration of all births and deaths. Rural districts.

Article 3. Local Administration.

10100. Except as otherwise provided the clerk of each city or city and county which constitutes a primary registration district is the local registrar in and for that primary registration district and shall perform all the duties of local registrar. Local registrar: Clerk.

10101. In any city or city and county which constitutes a primary registration district and in which a health officer is City health officer.

provided for by a freeholders' charter or other applicable law, the health officer is the local registrar.

County
health
officer.

10102. Where the county health officer acts as city health officer for a city which constitutes a primary registration district under contract as authorized by law, the county health officer is the local registrar.

Same.

10103. In those counties in which there is a county-wide health department organization the county health officer is the local registrar for all territory in the county not included in a primary registration district.

State
appointee.

10104. In other counties, the State registrar, subject to the approval of the State department, shall appoint for each primary rural registration district a local registrar whose term of office shall be four years. The State registrar may remove such appointee forthwith for failure or neglect to perform his duty.

Subregistrar.

10105. When it appears necessary for the convenience of the people in any registration district, the local registrar may, with the approval of the State registrar, appoint one or more suitable persons to act as subregistrars, who may receive certificates and issue burial or removal permits in and for designated portions of the district.

Duties re
certificates.

10106. Each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forthwith, and in all cases before the third day of the following month, forward all certificates to the local registrar of the district.

Removal.

10107. Each subregistrar is subject to the supervision and control of the State registrar, who may remove him for neglect or failure to perform his duty in accordance with this division or the rules and regulations of the State registrar.

Neglect
of duty.

10108. Each subregistrar is subject to the same penalties for neglect of duty as the local registrar.

Deputy.

10109. Each local registrar, other than health officers and clerks, shall immediately appoint in writing a deputy, who shall act in his stead in case of his absence or disability. The deputy shall in writing accept the appointment. A deputy is subject to all laws and rules and regulations governing local registrars.

Same.

10110. Each assistant or deputy of any health officer or clerk acting as local registrar is assistant or deputy registrar, and has all the powers and may perform all the duties of a local registrar in the name and stead of his principal.

10111. Each local registrar shall transmit to the State registrar each original birth certificate or death certificate registered by him and retain a complete and accurate copy of each certificate for the local record of the registration district.

Transmission of certificates: To State registrar.

10112. Each local registrar, except a health officer of a city and county acting as local registrar, shall transmit to the recorder of the county for a special county record a complete and accurate copy of each original birth certificate or death certificate transmitted by him to the State registrar.

To county recorder.

10113. The county recorder is the sole local registrar for marriages performed anywhere in the county.

Marriage registrar.

10114. Each local registrar shall supply blank forms of certificates to such persons as require them.

Forms.

10115. He shall carefully examine each certificate of death when presented for record in order to ascertain whether or not it has been made out in accordance with this division and the instructions of the State registrar.

Death certificate examination.

10116. If any certificate of death is incomplete or unsatisfactory, the local registrar shall call attention to the defects in the certificate and withhold the burial or removal permit until the defects are corrected.

Defects.

10117. He shall number consecutively the certificates of birth and death in two separate series, beginning with number 1 for the first birth and the first death occurring in each calendar year, and sign his name as registrar in attest of the date of filing in his office.

Certificate numbering.

10118. He shall make a complete and accurate copy of each birth certificate and each death certificate registered by him in a record book containing forms identical with the original certificates and preserve them permanently in his office as the local record.

Records.

10119. He shall, on the fifth day of each month, transmit to the State registrar all original certificates registered by him for the preceding month. If no births or no deaths occurred in any month, he shall, on the fifth day of the following month report that fact to the State registrar on a blank provided for that purpose.

Transmission of certificates.

10120. Under the supervision and direction of the State registrar, each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this division in his registration district. He shall make an immediate report to the State registrar of any violation of this law coming to his knowledge.

District enforcement.

CHAPTER 3. BIRTH REGISTRATION.

Article 1. General Provisions.

Required
registration.

10150. The birth of each child born in this State shall be registered pursuant to this chapter.

Article 2. Duty of Registering Birth.

Certificate:
Time to file.

10175. Except in sparsely settled districts or where there is no direct mail communication with the county seat, within four days after the date of each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of birth.

Same.

10176. In sparsely settled districts or where there is no direct mail communication with the county seat a reasonable time for filing shall be fixed by the local registrar.

Form.

10177. The certificate shall be upon the form adopted by the State department.

Filing:
Physician.

10178. If a physician was in attendance upon the birth, the physician shall file the birth certificate.

Midwife.

10179. If no physician was in attendance the midwife or person acting as midwife shall file the birth certificate.

Birth
report.

10180. The father or mother of the child, the householder or owner of the premises where the birth occurred, or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, shall within ten days after the date of birth, report the fact of birth to the local registrar.

Information.

10181. If the physician, midwife, or person acting as midwife, in attendance upon the birth is unable to obtain any item of information required for the birth certificate, the local registrar shall secure from the person reporting under section 10180, or from any other person having the required knowledge, the information which will enable him to prepare the certificate of birth.

Duties of
person
reporting
birth.

10182. The person reporting the birth or any person who may be interrogated in relation to the birth shall answer correctly and to the best of his knowledge all questions of the local registrar which may be calculated to elicit any information needed to make a complete record of the birth. The informant of any statement made in accordance with this article shall verify his statement by his signature, when requested so to do by the local registrar.

Article 3. Certificates of Birth.

10200. The certificate of birth shall contain the following Contents.
items and such other items as the State department may designate:

(1) Place of birth, including State, county, township or town, village or city. If in a city, the street and house number; if in a hospital or other institution, its name shall be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" shall be left blank.

(3) Sex of child.

(4) Whether twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births.

(5) For plural births, number of each child in order of birth.

(6) Whether premature or full term.

(7) Date of birth, including year, month and day.

(8) Full name of father.

(9) Residence of father, giving city and State of residence.

(10) Color or race of father.

(11) Age of father at last birthday.

(12) Birthplace of father; at least State or foreign country, if known.

(13) Occupation of father. The occupation of father shall be reported if engaged in any remunerative employment, with the statement of the trade, profession or particular kind of work done.

(14) General industry or business in which work was done.

(15) Date last engaged in this work.

(16) Total time spent in this work.

(17) Full maiden name of mother.

(18) Residence of mother, giving city and State of residence.

(19) Color or race of mother.

(20) Age of mother at last birthday.

(21) Birthplace of mother; at least State or foreign country, if known.

(22) Occupation of mother. The occupation shall be reported if engaged in any remunerative employment, with the statement of trade, profession or particular kind of work.

(23) General nature of industry or business in which work is done.

(24) Date last engaged in this work.

(25) Number of years spent in this work.

(26) If stillborn, period of gestation in months or weeks.

- (27) Cause of stillbirth; whether before or during labor.
- (28) Prophylactic for ophthalmia neonatorum.
- (29) Prenatal examination for syphilis, including period of gestation in months or weeks at which examination was made, and if examination was not made, including reason for not making such examination; provided, however, that the result of said examination be not included on said certificate nor made public in any manner.
- (30) Crippling congenital deformities.
- (31) Number of children of this mother (a) born alive and now living; (b) born alive but now dead; (c) stillborn.
- (32) The certification of attending physician or midwife as to attendance at birth, including statement of hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of the public or private institution where the birth occurred, or other competent person whose duty it is to notify the local registrar of the birth.
- (33) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth.

(Amended by Stats. 1939, Ch. 385.)

[ORIGINAL SECTION.]

10200. The certificate of birth shall contain the following items and such other items as the State department may designate:

- (1) Place of birth, including State, county, township or town, village or city. If in a city, the street and house number; if in a hospital or other institution, its name shall be given, instead of the street and house number.
- (2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" shall be left blank.
- (3) Sex of child.
- (4) Whether twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births.
- (5) For plural births, number of each child in order of birth.
- (6) Whether premature or full term.
- (7) Date of birth, including year, month and day.
- (8) Full name of father.
- (9) Residence of father, giving city and State of residence.
- (10) Color or race of father.
- (11) Age of father at last birthday.
- (12) Birthplace of father; at least State or foreign country, if known.
- (13) Occupation of father. The occupation of father shall be reported if engaged in any remunerative employment, with the statement of the trade, profession or particular kind of work done.
- (14) General industry or business in which work was done.
- (15) Date last engaged in this work.
- (16) Total time spent in this work.
- (17) Full maiden name of mother.
- (18) Residence of mother, giving city and State of residence.
- (19) Color or race of mother.
- (20) Age of mother at last birthday.
- (21) Birthplace of mother; at least State or foreign country, if known.
- (22) Occupation of mother. The occupation shall be reported if engaged in any remunerative employment, with the statement of trade, profession or particular kind of work.
- (23) General nature of industry or business in which work is done.

- (24) Date last engaged in this work.
- (25) Number of years spent in this work.
- (26) If stillborn, period of gestation in months or weeks.
- (27) Cause of stillbirth; whether before or during labor.
- (28) Prophylactic for ophthalmia neonatorum.
- (29) Crippling congenital deformities.
- (30) Number of children of this mother (a) born alive and now living; (b) born alive but now dead; (c) stillborn.
- (31) The certification of attending physician or midwife as to attendance at birth, including statement of hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of the public or private institution where the birth occurred, or other competent person whose duty it is to notify the local registrar of the birth.
- (32) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth.

10201. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained.

Missing information.

Article 4. Unnamed Children.

10225. When any certificate of birth of a living child is presented without the statement of the given name, the local registrar shall make out and deliver to the parents of the child a special blank for a supplemental report of the given name of the child, which shall be filled out and returned to the local registrar as soon as the child is named.

Supplemental report.

Article 5. Adopted Children.

10250. Whenever a decree of adoption has been entered in any court in the State declaring a child legally adopted a certificate of the decree shall be recorded by the clerk of the court with the State registrar upon a form provided for that purpose.

Certificate of adoption decree: Recording.

10251. The certificate shall be filed with the original record of birth, which shall remain as a part of the records of the bureau of vital statistics.

Filing.

10252. Upon receipt by the State registrar of a certificate of the decree of adoption, a certificate of birth shall be issued bearing the name of the child as shown in the decree of adoption, the names of his foster parents; the age of the foster parents, the sex, date of birth and place of birth, but no reference in any birth certificate shall be made to the adoption of the child.

Birth certificate.

10253. This birth certificate shall supplant any birth certificate previously issued for the child and shall be the only birth certificate open to public inspection. In form and contents, it shall be identical with a birth certificate issued to natural parents for the birth of a child.

Prior certificate.

Record
avail-
ability.

10254. All records and information specified in this article, other than the birth certificate, shall be available upon the order of a court of record.

Article 6. Legitimated Children.

Affidavit.

10275. Whenever a child becomes legitimate by the subsequent marriage of its parents an affidavit of that fact **may** be filed by his parents with the State registrar upon a form provided for that purpose.

Filing.

10276. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the bureau of vital statistics.

Birth
certificate.

10277. Upon receipt by the State registrar of such affidavit, a certificate of birth shall be filed bearing the name of the child as shown in the affidavit, the names of his parents, the age of the parents, the sex, date of birth, and place of birth.

Prior
certificate.

10278. This birth certificate shall supplant any birth certificate previously issued for the child and shall be the only birth certificate open to public inspection. In form and contents, it shall be identical with a birth certificate issued to parents for the birth of a legitimate child.

Record
avail-
ability.

10279. All records and information specified in this article, other than the birth certificate, shall be available upon the order of a court of record.

Article 7. Unknown Children.

Report.

10300. The finding of an unknown child less than one year of age shall be immediately reported to the local registrar.

Contents.

10301. The report shall show the sex and color of the child, the date and place of finding the child, and the name of the person or institution with whom it is placed.

Place and
date of
birth.

10302. The city, town or rural district in which the child is found shall be known as the legal place of birth, and the date of birth shall be determined as nearly as possible, shall be given on the certificate, and shall be known as the legal date of birth.

Name.

10303. The person or institution with whom the child is placed shall give the child a name and shall report the name to the local registrar.

Certificate
of finding.

10304. The certificate of finding shall be forwarded to the State registrar with the regular monthly report of births, and

shall be filed and indexed by him with the regular birth certificates.

10305. If the child is later identified and a certificate of birth found or obtained, the fact shall be reported to the State registrar and he shall indorse it upon the certificate of finding, with citation to the certificate of birth.

Subsequent
identifi-
cation.

Article 8. Registration of Stillborn Children.

10325. A stillborn child shall be registered as a birth and also as a death, and a separate certificate of both the birth and the death shall be filed with the local registrar, in the usual form and manner.

Registration.

10326. The certificate of birth shall contain in place of the name of the child, the word "stillbirth."

Name.

10327. A certificate of birth and a certificate of death is not required for a child that has not advanced to the fifth month of uterogestation.

Certificate
not re-
quired.

10328. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known.

Medical
certificate.

10329. A burial or removal permit of the prescribed form is required.

Burial
permit.

10330. Midwives shall not sign certificates of deaths for stillborn children; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance.

Midwife's
signature,
etc.

CHAPTER 4. DEATH REGISTRATION.

Article 1. General Provisions.

10350. Every death occurring in this State shall be reported pursuant to this chapter.

Report
required.

Article 2. Death Certificates.

10375. The certificate of death shall contain the following items, and such other items as the department may designate.

Contents.

(1) Place of death, including State, county, and township, village or city. If in a city, the street and house number; if in a hospital or other institution, its name shall be given instead of the street and house number; if in an industrial camp, the name of the camp shall be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "Unnamed." Residence; if nonresident, name of city or town and State.

(3) Sex.

(4) Color or race—as white, black, mulatto (or other Negro descent), Indian, Chinese, Japanese, Mexican, or other.

(5) Conjugal condition—as single, married, widowed or divorced.

(5a) Name of husband or wife.

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months and days. If less than one day, the hours and minutes.

(8) The occupation of any person, male or female, who had any remunerative employment shall be reported, with the statement of trade, profession or particular kind of work.

(9) Industry in which work was done.

(10) Date deceased last worked at this occupation.

(11) Total years spent in this occupation.

(12) Birthplace; at least State or foreign country, if known.

(13) Name of father.

(14) Birthplace of father; at least State or foreign country, if known.

(15) Maiden name of mother.

(16) Birthplace of mother; at least State or foreign country, if known.

(17) Length of residence; (a) in place of death; (b) in California; (c) in the United States if of foreign birth.

(18) Name and address of informant.

(19) Whether burial, cremation or removal; the place of such, together with the date.

(20) Signature and license number of embalmer; signature and address of funeral director, or person acting as such.

(21) Official signature of registrar, with date when certificate was filed; registered number.

(22) Date of death; year, month and day.

(23) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and date of onset or duration of each.

(24) Certification as to action of the coroner when compelled to act by law, stating kind of action taken, whether inquest, autopsy or inquiry, and the fact and cause of death.

(25) If death is due to accidental or violent means, it shall be stated as to whether accident, suicide or homicide; date of injury; place of injury, whether in home, industry or public place; manner and nature of injury.

(26) Whether disease or injury is related to occupation.

(27) Signature and address of attending physician, or of the autopsy surgeon if done at the request of the coroner.

(28) Signature of the coroner, with the statement of the county of which he is an officer.

(Amended by Stats. 1939, Ch. 101.)

[ORIGINAL SECTION.]

10375. The certificate of death shall contain the following items, and such other items as the department may designate.

(1) Place of death, including State, county, and township, village or city. If in a city, the street and house number; if in a hospital or other institution, its name shall be given instead of the street and house number; if in an industrial camp, the name of the camp shall be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "Unnamed." Residence; if nonresident, name of city or town and State.

(3) Sex.

(4) Color or race—as white, black, mulatto (or other Negro descent), Indian, Chinese, Japanese, Mexican, or other.

(5) Conjugal condition—as single, married, widowed or divorced.

(5a) Name of husband or wife.

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months and days. If less than one day, the hours and minutes.

(8) The occupation of any person, male or female, who had any remunerative employment shall be reported, with the statement of trade, profession or particular kind of work.

(9) Industry in which work was done.

(10) Date deceased last worked at this occupation.

(11) Total years spent in this occupation.

(12) Birthplace; at least State or foreign country, if known.

(13) Name of father.

(14) Birthplace of father; at least State or foreign country, if known.

(15) Maiden name of mother.

(16) Birthplace of mother; at least State or foreign country, if known.

(17) Length of residence; (a) in place of death; (b) in California; (c) in the United States if of foreign birth.

(18) Signature and address of informant.

(19) Whether burial, cremation or removal; the place of such, together with the date.

(20) Signature and license number of embalmer; signature and address of funeral director, or person acting as such.

(21) Official signature of registrar, with date when certificate was filed; registered number.

(22) Date of death; year, month and day.

(23) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and date of onset or duration of each.

(24) Certification as to action of the coroner when compelled to act by law, stating kind of action taken, whether inquest, autopsy or inquiry, and the fact and cause of death.

(25) If death is due to accidental or violent means, it shall be stated as to whether accident, suicide or homicide; date of injury; place of injury, whether in home, industry or public place; manner and nature of injury.

(26) Whether disease or injury is related to occupation.

(27) Signature and address of attending physician, or of the autopsy surgeon if done at the request of the coroner.

(28) Signature of the coroner, with the statement of the county of which he is an officer.

10376. (Repealed by Stats. 1939, Ch. 101.)

[ORIGINAL SECTION.]

10376. The personal and statistical particulars (items one to sixteen) of the death certificate shall be authenticated by the signature of the informant who may be any competent person having knowledge of the facts.

10377. The statement of facts relating to the disposition of the body shall be signed by the funeral director or person acting as funeral director. Disposition of body.

Article 3. The Medical Certificate.

Who must
make.

10400. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased except in the following cases:

(a) Where the attending physician is unable to state the cause of death.

(b) Where a person has been killed or has committed suicide.

(c) Where death is the result of an accident.

(d) Where an injury is a contributing cause of death.

(e) Where the death occurred under such circumstances as to afford a reasonable ground to suspect that it was caused by the criminal act of another.

Delivery.

10401. The physician shall within fifteen hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.

Speci-
fications.

10402. The physician shall specify in the certificate the time in attendance, the time he last saw the deceased person alive and the hour of the day at which death occurred.

Cause of
death.

10403. The physician shall state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each.

Indefinite
terms.

10404. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, are not sufficient for the issuance of a burial or removal permit. Any certificate containing only such terms, as defined by the State registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement.

Death from
disease or
violence.

10405. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal.

Article 4. Duties of Coroner.

Death
certificate.

10425. The certificate of death shall be made by the coroner in case of any death occurring under any of the following circumstances:

(a) Without medical attendance.

(b) During the continued absence of the attending physician.

(c) Where the attending physician is unable to state the cause of death.

(d) Where the deceased person was killed or committed suicide.

(e) Where the deceased person died as the result of an accident.

(f) Under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

10426. The physician, funeral director, or other person in charge of the body shall notify the coroner or other proper official of such death for investigation and certification. Notification.

10427. The coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall: Information.

(a) State in his certificate the name of the disease causing death, or if from external causes (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal.

(b) Furnish such information as may be required by the State registrar in order properly to classify the death.

10428. The certificate shall contain as many facts required by this division as can be ascertained. Same.

10429. The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director. Delivery.

Article 5. Duties of Funeral Directors.

10450. The funeral director, or person acting as funeral director, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain an interment or removal permit prior to any disposition of the body. Death certificate: Filing.

10451. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. Particulars.

10452. The death certificate shall be signed by the attending physician, if any, or by the coroner or other proper official either directly or as directed by the local registrar, giving the medical certificate of the cause of death and other particulars necessary to complete the record. Signature.

10453. The funeral director shall state the facts required relative to the date and place of interment or removal, over his signature and with his address. Statement.

Presentation. 10454. The completed certificate shall be presented to the local registrar in order to obtain a permit for interment, removal or other disposition of the body.

Article 6. Burial and Removal Permits.

Issuance. 10475. If the certificate of death is properly executed and complete, the local registrar shall issue a permit for removal, burial, or other disposition of the body, to the funeral director, except that in case the death occurred from a disease declared by the State department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State department and local boards of health.

Delivery or attachment. 10476. The funeral director shall deliver the burial permit to the person in charge of the place of interment, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the body, when shipped by any transportation company.

To accompany body. 10477. The burial or removal permit shall accompany the body to its destination, where, if within this State, it shall be delivered to the person in charge of the place of interment.

Article 7. Procedure on Identification of Bodies of Unknown Persons.

Death certificate. 10500. If the body of an unknown person is identified after filing the death certificate, the coroner having jurisdiction shall file with the State registrar a death certificate giving the name of the person and all statistical particulars which have been discovered concerning him.

Filing. 10501. The certificate shall be filed with the original record and shall become a part of it.

CHAPTER 5. MARRIAGE REGISTRATION.

Certificate of registry. 10525. Every person who performs a marriage ceremony in this State shall within three days after the ceremony file with the county recorder a certificate of registry of the marriage.

Contents. 10526. The form of the certificate shall be prescribed by the State registrar and shall contain among other matters as near as can be ascertained:

(a) The place and date of marriage.

(b) The sex, race, color, age, name and surname, birthplace, and residence of the parties married.

(c) The number of marriages and condition of each party, whether single, widowed or divorced.

(d) The occupation of the parties.

(e) The maiden name of the female, if previously married.

(f) The names and birthplaces of the parents of each, and the maiden name of the mother of each.

10527. The county recorder shall receive without fee or Fee. charge each certificate of registry of marriage.

10528. He shall make a complete and accurate copy of Copy. each certificate registered by him, upon a form identical with the original certificate, and file and preserve it in his office as the local record of marriage in the manner directed by the State registrar.

10529. The recorder shall carefully examine each report, Registration. and register the same marriage but once, although reported by different persons.

10530. He shall number and enter the marriage certificates Entry. in the order in which they are reported to him, beginning with number one for the first marriage in each calendar year.

10531. He shall sign his name as registrar in attest of the Attestation. date of filing each marriage certificate in his office.

10532. On or before the fifth day of each month he shall Delivery to State registrar. mail or deliver to the State registrar the original certificates of marriages, filed with him during the preceding month.

10533. The State registrar shall file the original certificates Indexing. of marriage and cause them to be separately and systematically indexed.

10534. The State registrar shall carefully examine the Additional information. certificates of marriage received monthly from the county recorders and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory.

10535. All persons upon whom the duty is imposed of Duty to furnish information. certifying to marriages, and all other persons having knowledge of the facts shall furnish such information as they may possess regarding any marriage upon demand of the State registrar in person, by mail, or through the local registrar.

10536. Every officer or person upon whom a duty is imposed Failure to perform duty. under this chapter who fails, neglects or refuses to perform any of the duties imposed upon him under this chapter or

by the instructions and directions of the State registrar is guilty of a misdemeanor.

CHAPTER 6. CERTIFIED COPIES OF RECORDS.

Supplying. 10550. The State or local registrar shall, upon request and payment of the required fee, supply to any applicant a certified copy of the record of any birth, death, or marriage registered with him.

Prima facie evidence. 10551. Any copy of the record of a birth, death, or marriage when properly certified by the State or local registrar to have been registered within a period of one year from the date of the event is prima facie evidence in all courts and places of the facts stated in it.

CHAPTER 7. CORRECTION OF RECORD.

Affidavit. 10575. Whenever the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting that the error exists, stating the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts.

Filing and amendment. 10576. The local registrar shall file the affidavits with an amended certificate and shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate.

Transmittal to State registrar. 10577. He shall transmit the original certificate with the affidavits and amended certificate attached when making his regular monthly returns to the State registrar and shall retain copies for his files.

Same. 10578. If the correction relates to a certificate previously returned to the State registrar, the local registrar shall forthwith transmit the affidavits to the State registrar.

Transmittal to local registrar. 10579. If the correction is first made in the bureau of vital statistics, the State registrar shall transmit a certified copy of the amended certificate to the local registrar.

CHAPTER 8. PROCEEDINGS TO ESTABLISH RECORD.

Petition. 10600. If for any cause any birth, death, or marriage, occurring in this State was not registered in conformity with the provisions of law in effect at the time it occurred by the filing of the proper certificate with the local registrar within a period of one year from the date of the event or if such record has been filed but thereafter lost or destroyed, any

person beneficially interested in establishing of record the fact of such birth, death, or marriage may petition the superior court of the county in which it is alleged to have occurred for an order judicially establishing the fact of the birth, death, or marriage.

(Amended by Stats. 1939, Ch. 540.)

[ORIGINAL SECTION.]

10600. If for any cause any birth, death, or marriage, occurring in this State was not registered in conformity with the provisions of law in effect at the time it occurred by the filing of the proper certificate with the local registrar within a period of one year from the date of the event, any person beneficially interested in establishing of record the fact of such birth, death, or marriage may petition the superior court of the county in which it is alleged to have occurred for an order judicially establishing the fact of the birth, death, or marriage.

10600.5. If a person, domiciled in this State, was born or married outside of the State, or, if any person domiciled in this State at the time of his death, died outside of the State, and the birth, death, or marriage was not registered in the State or country in which it occurred, or a certified copy of the record of the birth, death, or marriage is not obtainable, any person beneficially interested in establishing of record the fact of the birth, death, or marriage, may petition the superior court of the county in which the person, if a living person, resides, or if the person has died, in the county in which he was domiciled at the date of his death, for an order judicially establishing the fact of the birth, death, or marriage.

Petition:
Out of State
record.

(Added by Stats. 1939, Ch. 1120.)

10601. The petition shall be verified and shall contain all the data necessary to enable the court to determine the fact of the birth, death, or marriage upon the proofs adduced in behalf of the petitioner at the hearing.

Contents.

10602. A copy of the petition shall be served upon the local registrar of vital statistics, and also upon the district attorney of the county in which the birth, death, or marriage is alleged to have occurred, and either may appear at the hearing and oppose the making of the order.

Service.

10603. The hearing shall be had at a time fixed by the court, not less than ten days after the filing of the petition.

Hearing:
Time.

10604. Notice of the hearing shall be given by publication for the same time and in the same manner as required by section 327 of the Probate Code.

Notice.

10605. If, upon the hearing, the allegations of the petition are established to the satisfaction of the court, the court may make an order determining that the birth, death, or marriage

Order.

did in fact occur at the time and place shown by the proofs adduced at the hearing.

(Amended by Stats. 1939, Ch. 1120.)

[ORIGINAL SECTION.]

10605. If, upon the hearing, the allegations of the petition are established to the satisfaction of the court, the court may make an order determining that the birth, death, or marriage did in fact occur in the county and at the time shown by the proofs adduced at the hearing.

Form of
order.

10606. The order shall be made in the form and upon the blank prescribed and furnished by the State registrar and only one birth, death, or marriage shall be included in it.

Filing of
copy, etc.

10607. The order shall become effective upon the filing of a certified copy with the local registrar of vital statistics, and the delivery therewith for transmittal to the State registrar of a standard certificate containing such facts and signatures as are obtainable, and upon the filing of a certified copy of the order with the State registrar.

CHAPTER 9. FEES OF STATE AND LOCAL REGISTRARS.

For certified
copy of
record.

10625. The fee for the making and certification of a certified copy of a birth, death, or marriage record shall be paid by the applicant and shall be fixed by the Director of Public Health, subject to the approval of the Director of Finance. The fee shall not exceed one dollar and fifty cents for each certified copy.

For file
and record
search.

10626. The fee for any search of the files and records when no certified copy is made shall be paid by the applicant and shall be fixed by the Director of Public Health, subject to the approval of the Director of Finance. The fee shall not exceed one dollar and fifty cents for each hour or fractional hour of time of search.

Disposition:
Collections
of State
registrar.

10627. The State registrar shall keep a true and correct account of all fees by him received, and the fees shall be deposited with the State Treasurer, for credit to the general fund.

Collections
of local
registrar.

10628. The money collected by the local registrar shall be paid by him into the county or city treasury, as the case may be.

When fee
not payable.

10629. The local registrar shall, upon request of any parents or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when it is necessary for admission to school, or for the purpose of securing employment.

Same.

10630. The United States Census Bureau or the United States Veterans Bureau may obtain, without expense to the

State, transcripts of births and deaths without payment of fees.

CHAPTER 10. COMPENSATION OF LOCAL REGISTRARS.

10650. The State registrar shall quarterly certify to the auditors of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed by this division. Certification.

10651. No fee shall be paid by the county to, or for the services of, any local registrar who is also clerk or health officer of any city and whose salary as clerk or health officer is by law his sole compensation for his services. When not payable.

10652. All amounts shall be paid by the treasurer of the county in which the registration district is located, upon warrants drawn by the auditor. Payment.

10653. Each local registrar entitled to compensation shall be paid the sum of twenty-five cents for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State registrar out of which fees he shall pay the subregistrar the sum of fifteen cents in each case where the certificate is registered with the subregistrar. Amount.

10654. If no births or no deaths were registered during any month, the local registrar is entitled to be paid the sum of twenty-five cents for each report to that effect, but only if the report is made promptly as required by this division. Same.

CHAPTER 11. PENALTIES.

10674. This chapter does not apply to violations of Chapter 5 of this division. Scope of chapter.

10675. Every person who refuses or fails to furnish correctly any information in his possession, or furnishes false information affecting any certificate or record, required by this division is guilty of a misdemeanor. Failure to furnish information.

10676. Every person who wilfully alters, otherwise than as permitted by this division, or falsifies any certificate of birth or death, or any record established by this division is guilty of a misdemeanor. Falsification of certificate.

10677. Every person who is required to fill out a certificate of birth or death and file it with the local registrar, or deliver it, upon request, to any person charged with the duty of filing it, and who fails, neglects, or refuses to perform such duty in Failure to fill out certificate.

the manner required by this division is guilty of a misdemeanor.

Neglect
of duty.

10678. Every local registrar, deputy registrar, or subregistrar, who fails, neglects, or refuses to perform his duty as required by this division and by the instructions and directions of the State registrar thereunder, is guilty of a misdemeanor.

Punishment.

10679. The punishment for misdemeanors referred to in this chapter shall be as follows:

(a) For the first offense a fine of not less than ten dollars.

(b) For each subsequent offense a fine of not less than fifty dollars, or imprisonment in the county jail not more than sixty days, or by both.

DIVISION X. NARCOTICS.

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS.

Article 1. Definitions.

"Physi-
cian," etc.

11000. As used in this division, the terms "physician," "veterinarian," "dentist," "pharmacist," and "osteopath," or any similar designation, mean persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in this State.

"Narcotics."

11001. "Narcotics," as used in this division, means any of the following:

(a) Cocaine.

(b) Opium.

(c) Morphine.

(d) Codeine.

(e) Heroin.

(f) Alpha eucaine.

(g) Beta eucaine.

(h) Chloralhydrate.

(i) All parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but not including the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

Same.

11002. "Narcotics," as used in this division, also means any of the salts, derivatives, or compounds of a narcotic or

any preparation or compound containing a narcotic or its salts, derivatives, or compounds.

11003. "Cannabis sativa," as used in this division, means the male and female of any species commonly known as cannabis sativa, hemp, Indian hemp, loco weed, or marihuana. "Cannabis sativa."

11004. "State division," as used in this division, means the Division of Narcotic Enforcement in the State Department of Penology. "State division."

11005. "Chief," as used in this division, means the Chief of the Division of Narcotic Enforcement. "Chief."

11006. "Board of Pharmacy," as used in this division, means the California State Board of Pharmacy. "Board of Pharmacy."

11007. "Prescription," as used in this division, means a prescription for a narcotic. "Prescription."

11008. "Sale," as used in this division, includes barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee. "Sale."

11009. "Addict," as used in this division, means a person addicted to the unlawful use of narcotics. "Addict."

11010. "Opium pipe," as used in this division, includes a pipe for the smoking of opium, together with the usual attachments for the pipe. "Opium pipe."

11011. "Vehicle," as used in this division, means any vehicle or equipment used for the transportation of persons or things. "Vehicle."

11012. "Transport," as used in this division, with reference to narcotics, includes "conceal," "convey," or "carry." "Transport."

11013. "Owner," as used in this division, with reference to a vehicle, means any person having any right, title, or interest in it. "Owner."

Article 2. Scope and General Provisions.

11035. Any record required by this division shall be open at all times to inspection by the State division. Records.

11036. No person shall transport, sell, furnish, administer, or give away, or offer to transport, sell, furnish, administer, or give away, or attempt to transport, or have in possession any narcotics except as provided in this division. Prohibition.

CHAPTER 2. DIVISION OF NARCOTIC ENFORCEMENT.

Division of Narcotic Enforcement. 11100. There is in the Department of Penology a Division of Narcotic Enforcement.

Chief. 11101. There is a chief of the Division of Narcotic Enforcement, who is appointed and whose salary is fixed by the Governor.

Enforcement of laws. 11102. The State division shall enforce all laws regulating the sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of Chapter 102, Statutes of 1907.

Employees. 11103. The chief may, subject to the approval of the Department of Finance, employ and fix the compensation of such inspectors, chemists, clerical, and other employees as are necessary. Two of the inspectors shall be registered licentiates in pharmacy.

Physician. 11104. The State division may employ a physician to interview and examine any patient for whom any narcotic has been prescribed or to whom any narcotic has been furnished or administered, and who is an habitual user of narcotics.

The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.

Report. The physician employed by the State division to conduct the interview and examination shall report the results of the examination and interview to the State division.

Testimony. The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners and his testimony is not privileged.

Penalty. Every person who violates any provision of this section is guilty of a misdemeanor.

Peace officer powers. 11105. The chief and the inspectors appointed by him have the powers and duties of peace officers in the performance of their duties.

Expenditures for evidence. 11106. The chief and the inspectors appointed by him, when authorized so to do by the chief, may expend such sums as the chief deems necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence.

Repayment. The sums so expended shall be repaid to the officer making the expenditures upon claims audited by the chief and approved by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the State division.

11107. This division does not prohibit the inspectors of the Board of Pharmacy from inspecting records in connection with the regulation of the sale, giving away, prescribing, or administering, of narcotics or other drugs. Record inspection.

CHAPTER 3. PRESCRIPTIONS.

Article 1. Requirements of Prescriptions.

11160. No person shall transport, sell, furnish, administer, or give away, or offer to transport, sell, furnish, administer, or give away, or attempt to transport a narcotic except upon the written prescription of a physician, dentist, or veterinarian licensed to practice in this State. Who may write.

11161. No person, other than a physician, dentist, or veterinarian, shall write a prescription. Same.

11162. No person shall write or issue a prescription that does not conform to this division. Conformance.

11163. Except in the regular practice of his profession, no person shall prescribe, administer, or furnish, a narcotic to or for any person who is not under his treatment for a pathology or condition other than narcotic addiction, except as provided in this division. Person for whom prescribed.

11164. No person shall prescribe for or administer a narcotic to an addict, or to any person representing himself as such, except as permitted by this division. Addict.

11165. No person shall issue a prescription that is false or fictitious in any respect. Falsity.

11166. No person shall write a prescription unless it is wholly written, in handwriting, signed, and dated by him as of the date on which it is written, and contains the name and address of the person for whom prescribed. Execution and contents.

(Amended by Stats. 1939, Ch. 1097.)

[ORIGINAL SECTION.]

11166. No person shall write a prescription unless it is wholly written, signed, and dated by him as of the date on which it is written, and contains the name and address of the person for whom prescribed.

11166.05. Prescription blanks shall be issued by the division in serially numbered books of one hundred blanks each, and shall be furnished free of cost to any person authorized to write a prescription. Prescription books.

(Added by Stats. 1939, Ch. 1097.)

11166.06. The prescription blanks shall be printed on distinctive paper, serial number of the book being shown on each form, and also each form being serially numbered. Triplicate blanks.

Each prescription blank shall be printed in triplicate with one blank attached to the book in such a manner that it will not be readily removed, while two of the blanks shall be perforated for removal. The original, duplicate, and triplicate blanks shall be printed in distinctive colors.

(Added by Stats. 1939, Ch. 1097.)

Limitation
on books
issued.

11166.07. Not more than one such prescription book shall in any case be issued or furnished by the division to the same prescriber at one time, nor shall more than one book be issued during any period of ninety days unless the prescriber shall show to the satisfaction of the division that for some extraordinary reason additional prescription blanks are necessary.

(Added by Stats. 1939, Ch. 1097.)

Only official
blanks
to be used.

11166.08. No person shall issue a prescription other than on the official prescription form issued by the division, and no person shall fill any prescription other than on the official prescription form issued by the division, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the division, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall describe fully the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used.

(Added by Stats. 1939, Ch. 1097.)

Prescriptions
in
triplicate.

11166.09. All prescriptions on the official blanks shall be written in triplicate, all three copies signed by the prescriber.

(Added by Stats. 1939, Ch. 1097.)

Prescriber's
copy to be
kept two
years.

11166.1. The prescription book containing the triplicate copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division and inspectors of the Board of Pharmacy.

(Added by Stats. 1939, Ch. 1097.)

Use of
original and
duplicate.

11166.11. The original and duplicate copies of the prescription shall be delivered to the person filling the prescription. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescriptions were issued, the duplicate shall be returned to the division by the person filling it.

(Added by Stats. 1939, Ch. 1097.)

Exempt
narcotics.

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official blanks and the

filling thereof do not apply to any preparations exempt under Article 2 of this chapter.

(Added by Stats. 1939, Ch. 1097.)

11167. No person shall prescribe or furnish a narcotic for himself. Self-prescription.

11168. No person shall prescribe, administer, or furnish a narcotic except under the conditions and in the manner provided by this division. Conditions.

11169. No person shall antedate or postdate a prescription. Dating.

11170. No person shall, in connection with the prescribing, furnishing, administering, or dispensing of a narcotic, give a false name or address or make any false statement. False statement.

11171. No person shall obtain or possess a prescription that does not comply with this division. Illegal possession.

11172. No person shall furnish a narcotic pursuant to a telephone order, except that in an emergency a pharmacist may deliver a narcotic through his employee or responsible agent pursuant to the telephone order of a person authorized to prescribe a narcotic, if the employee or agent is supplied with a prescription before delivery. Filling: Telephone order.

The employee or agent shall immediately deliver the prescription to the pharmacist. The pharmacist shall file the prescription within a reasonable time.

11173. No person shall fill a prescription if it shows evidence of alteration, erasure, or addition by any person other than the person writing it. Altered prescription.

11174. No person shall fill a prescription unless it is tendered to him on or before the seventh day following the date of issue. Tender.

11175. A person who fills a prescription shall keep it on file for at least three years from the date of filing it. Retention.

11176. No person shall obtain or possess a narcotic obtained by a prescription that does not comply with this division. Prohibited narcotic possession.

11177. A narcotic prescription on file shall at all times be open to inspection by the prescriber, and properly authorized officers of the law, including all inspectors of the State division and of the Board of Pharmacy. Inspection.

11178. Any violation of this article where no other punishment is prescribed is a misdemeanor.

(Added by Stats. 1939, Ch. 1097.) Penalty.

Article 2. Exempt Narcotics.

Exemptions. 11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations of the United States Pharmacopoeia, National Formulary, United States Dispensatory, or other recognized or established formulae or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying addiction, containing codeine without additional narcotics, or not more than ten grains of chloralhydrate, or two grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce avoirdupois, except tincture opii camphorata (commonly known as paregoric) which may be sold only upon the prescription of a physician, and the prescription shall not be again refilled or dispensed.

(Amended by Stats. 1939, Ch. 1097.)

[ORIGINAL SECTION.]

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations of the United States Pharmacopoeia and national formulary or other recognized or established formulae or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying addiction, containing not more than one grain of codeine, or ten grains of chloralhydrate, or two grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce avoirdupois.

Paregoric. 11201. This article does not except tincture opii camphorata (commonly known as paregoric) from the provisions of this division and it may be sold only upon the prescription of a physician, and the prescription shall not be again refilled or dispensed.

Article 3. Prescriber's Record.

Contents. 11225. Every person who issues a prescription, or administers or dispenses a narcotic shall make a record that, as to the transaction, shows all of the following:

- (a) The name and address of the patient.
- (b) The date.
- (c) The character and quantity of narcotics involved.
- (d) The pathology and purpose for which the prescription is issued, or the narcotic administered, prescribed, or dispensed.

Inspection. 11226. The record shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division and inspectors of the Board of Pharmacy.

Penalty. Every person who violates any provision of this section is guilty of a misdemeanor.

Prima facie evidence. 11227. In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law is prima facie evidence of guilt.

Article 4. Copies of Prescriptions.

11250. No person shall make or deliver to any person a copy or duplicate of a prescription, except that a copy may be made by or made and delivered to an inspector of the Board of Pharmacy or the chief or inspector of the State division.

Article 5. Refilling Prescriptions.

11275. No person shall refill a narcotic prescription. However, where a prescription was originally issued for a narcotic preparation for which a prescription was not by law required, a prescription can be refilled unless the prescriber otherwise directs.

(Amended by Stats. 1939, Ch. 1097.)

[ORIGINAL SECTION.]

11275. No person shall refill a narcotic prescription.

CHAPTER 4. USE OF NARCOTICS.

Article 1. Lawful Medical Use other than Treatment of Addicts.

11330. A physician may prescribe for, furnish to, or administer narcotics to his patient when the patient is suffering from a disease, ailment, injury, or infirmities attendant upon old age, other than narcotic addiction.

The physician shall prescribe, furnish, or administer narcotics only when in good faith he believes the disease, ailment, injury, or infirmity, requires such treatment.

The physician shall prescribe, furnish, or administer narcotics only in such quantity and for such length of time as are reasonably necessary.

11331. A physician shall not furnish or prescribe narcotics in order to satisfy the narcotic addiction of a user of narcotics.

11332. Every person who violates any provision of this article is guilty of a misdemeanor.

Article 2. Treatment of Addicts for Addiction.

11390. Any narcotic employed in treating an addict for addiction shall be administered by a physician, or by a registered nurse acting under his instruction.

11391. No person shall treat an addict for addiction except in one of the following:

(a) An institution approved by the board of medical examiners, and where the patient is kept under restraint and control.

(b) A city or county jail.

- (c) A State prison.
Exception. (d) A State narcotic hospital.
This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury.
- Maximum amount. 11392. A physician treating an addict for addiction shall not prescribe for or furnish the addict more than any one of the following amounts of narcotics during each of the first fifteen days of such treatment:
- (a) Eight grains of opium.
 - (b) Four grains of morphine.
 - (c) Two grains of cocaine.
 - (d) Two grains of any derivative of cocaine.
 - (e) Two grains of heroin.
- Same:
After fifteen days. 11393. After fifteen days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of narcotics during each day of such treatment:
- (a) Four grains of opium.
 - (b) Two grains of morphine.
 - (c) One grain of cocaine.
 - (d) Two grains of any derivative of cocaine.
 - (e) One grain of heroin.
- Discontinu-
ance of
treatment. 11394. At the end of thirty days from the first treatment, the prescribing or furnishing of narcotics shall be discontinued.
- Physician's
reports. 11395. The physician treating an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the State division, stating the name and address of the patient, and the name and quantities of narcotics prescribed.
- The report shall state the progress of the patient under the treatment.
- The physician shall in the same manner further report on the fifteenth day of the treatment and on the thirtieth day of the treatment, and thereafter shall make such further reports as are requested in writing by the State division.
- Penalty. 11396. Every person who violates any provision of this article is guilty of a misdemeanor.

Article 3. Physicians' Reports.

- Report. 11425. A physician prescribing or furnishing a narcotic to an habitual user shall within five days after first prescribing or furnishing the narcotic personally report in writing by registered mail, over his signature, to the State division.

The report shall contain all of the following:

- (a) Name of the patient.
- (b) Address of the patient.
- (c) Character of the injury or ailment.
- (d) Quantity and kind of narcotic used.
- (e) A statement as to whether or not the patient is an addict.

Every person who violates any provision of this section is Penalty. guilty of a misdemeanor.

11426. The physician shall upon request in writing from Additional report. the State division furnish any additional reports upon the treatment of the user as the State division may request in writing.

Article 4. Veterinarians.

11450. No veterinarian shall prescribe, administer, or fur- Prohibition. nish a narcotic for himself or any other human being.

11451. A prescription written by a veterinarian shall Prescription statements. state the kind of animal for which ordered and the name of the owner or person having custody of the animal.

Article 5. Hypodermics.

11475. No person shall sell, vend, give away, or furnish, Order: Re sale. either directly or indirectly, to any person other than a physician, dentist, veterinarian, pharmacist, or osteopath, a hypodermic syringe, or a hypodermic needle, without a written, signed order from a physician, dentist, osteopath, or veterinarian. The order shall contain the name and address of the party for whom ordered.

11476. No person other than a physician, dentist, osteo- Re possession. path, registered nurse, veterinarian, or pharmacist, shall have in his possession a hypodermic syringe or a hypodermic needle, or any instrument or contrivance used for the same purpose, unless it was purchased by the person with a written order signed by a physician, dentist, veterinarian, or osteopath.

11477. No order shall be for more than one hypodermic Refilling, copy, etc. syringe or for more than three hypodermic needles. No copy or duplicate of the order shall be made for or delivered to any person. The order or prescription shall not be refilled.

A registered nurse of this State or student nurse in any Possession by nurse. hospital or training school for nurses may obtain or possess a hypodermic syringe and hypodermic needles when working under the immediate direction and supervision of a physician or dentist.

11478. The Board of Pharmacy may upon application and Sales permit: Pharmacist. in its discretion issue a permit, revocable in its discretion, to

any pharmacist, for a limited period, permitting and authorizing the pharmacist to sell and dispense hypodermic syringes and needles for specific purposes, to persons not addicted to the use of narcotics.

Exemptions. 11479. The provisions of this division with reference to hypodermic syringes and needles do not apply to the sale at wholesale by drug jobbers, drug wholesalers, and drug manufacturers to any of the following:

(a) Pharmacies as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Veterinarians.

(e) Other jobbers, wholesalers, or manufacturers.

Nor do such provisions apply to the sale at retail in pharmacies by pharmacists to any of the following:

(a) Other pharmacists.

(b) Physicians.

(c) Dentists.

(d) Veterinarians.

CHAPTER 5. MARIHUANA AND OPIUM.

Article 1. Marihuana.

Planting. 11530. No person shall knowingly plant, cultivate, cut, harvest, dry, or process any flowering tops or leaves of cannabis sativa.

Prohibition. 11531. Every person who possesses extracts, tinctures, or other narcotic preparations of hemp, or loco weed, their preparations or compounds containing more than two grains to each fluid or avoirdupois ounce, is guilty of a misdemeanor.

Exemption. This section does not apply to corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce mixed with not less than five times its weight of salicylic acid combined with collodion.

Article 2. Opium.

Penalty. 11555. Every person who possesses an opium pipe is guilty of a misdemeanor.

CHAPTER 6. SALE WITHOUT PRESCRIPTION.

Sale to physicians, etc., by pharmacists. 11570. No prescription is required in case of the sale of narcotics at retail in pharmacies by pharmacists to any of the following:

(a) Physicians.

(b) Dentists.

(c) Veterinarians.

In any sale mentioned in this article, there shall be executed any written order that may be otherwise required by law.

(Amended by Stats. 1939, Ch. 1097.)

[ORIGINAL SECTION.]

11570. No prescription is required in case of the sale of narcotics at retail in pharmacies by pharmacists to any of the following:

- (a) Physicians.
- (b) Dentists.
- (c) Veterinarians.

11571. No prescription is required in case of sales at wholesale by jobbers, wholesalers, and manufacturers to any of the following: By jobber, etc.

(a) Pharmacies as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Veterinarians.

(e) Other jobbers, wholesalers, or manufacturers.

11572. All wholesale jobbers, wholesalers, and manufacturers, mentioned in this division shall keep, in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of section 2 of the act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium or coca leaves and salts, derivatives, or preparations. Written orders or forms.
U. S. C., Title 26, sec. 1044.

11573. The written orders or blank forms shall always be open for inspection by any peace officer or any inspector or member of the Board of Pharmacy or the chief or any inspector of the State division. Inspection.

The written orders or blank forms shall be preserved for at least three years after the date of the last entry made. Preservation.

11574. A true and correct copy of all orders, contracts, or agreements taken for narcotics shall be forwarded by registered mail to the State division within twenty-four hours after the taking of the order, contract, or agreement, unless the order, contract, or agreement is recorded as required under the provisions of section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium or coca leaves, their salts, derivatives, or preparations, by a wholesale jobber, wholesaler, or manufacturer, permanently located in this State, as provided for in that section. Forwarding copies of orders, etc.

11575. The taking of any order, or making of any contract or agreement, by any traveling representative or employee of any person for future delivery in this State, of any narcotic constitutes a sale within the meaning of this division. Order, etc. for future delivery.

Forwarding
copy of
order, etc.

11576. Within twenty-four hours after any purchaser in this State gives any order to, or makes any contract or agreement for purchases from or sales by, an out of State wholesaler or manufacturer of any narcotics for delivery in this State, the purchaser shall forward to the State division by registered mail a true and correct copy of the order, contract, or agreement.

CHAPTER 7. ENFORCEMENT.

Article 1. Forfeiture of Vehicles.

Forfeiture.

11610. A vehicle used to transport any narcotic shall be forfeited to the State.

Seizure.

11611. Any peace officer of this State, upon making or attempting to make an arrest for a violation of this division, shall seize the vehicle used to transport the narcotics, and shall hold the vehicle as evidence until a forfeiture has been declared or a release ordered.

Notice:
Filing.

11612. Notice of seizure and intended forfeiture proceeding shall be filed with the county clerk and shall be served on all owners.

Service.

11613. Notice shall be given to each owner according to one of the following methods:

(a) Upon each owner whose right, title, or interest is of record in the Department of Motor Vehicles, by mailing a copy of the notice by registered mail to the address as given upon the records of the Department of Motor Vehicles.

(b) Upon each owner whose name and address is known, to the last known address of the owner.

(c) Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the vehicle, by one publication in a newspaper of general circulation in the county where the seizure was made.

Answer.

11614. Within twenty days after the mailing or publication of the notice, the owner of the vehicle may file a verified answer to the fact of the use of the vehicle alleged in the notice of seizure and of the intended forfeiture proceeding.

Extension
of time.

11615. No extensions of time shall be granted for the purpose of filing the answer.

Hearing:
When no
answer
filed.

11616. If at the end of twenty days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and shall, upon motion, order the vehicle forfeited to the State.

11617. If a verified answer is filed, the forfeiture proceeding shall be set for hearing on a day not less than thirty days therefrom, and the proceeding has priority over other civil cases. When answer filed.

11618. Notice of the hearing shall be given in the same manner as provided for service of notice of seizure. Notice.

11619. At the hearing, any owner who has a verified answer on file may show by competent evidence that the vehicle was not used to transport narcotics, or that narcotics were not unlawfully possessed by an occupant of the vehicle. Evidence.

11620. The claimant of any right, title, or interest in the vehicle may prove his lien, mortgage, or conditional sales contract to be bona fide and that his right, title, or interest was created after a reasonable investigation of the moral responsibility, character, and reputation of the purchaser, and without any knowledge that the vehicle was being, or was to be, used for the purpose charged. Proof of investigation, etc.

11621. No person claiming a lien pursuant to Chapter 1 of Division VIII of the Vehicle Code shall be required to prove that his right, title, or interest was created after any investigation of the moral responsibility, character, and reputation of the owner, purchaser, or person in possession of the vehicle when it was brought to the claimant. When proof not required.

11622. In the event of such proof, the court shall order the vehicle released to the bona fide or innocent owner, lien holder, mortgagee, or vendor if the amount due him is equal to, or in excess of, the value of the vehicle as of the date of seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser. Release.

11623. If the amount due to such person is less than the value of the vehicle, the vehicle shall be sold at public auction by the Department of Finance. Auction sale.

11624. The Department of Finance shall publish a notice of the sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place. Notice.

11625. The remainder of the proceeds of the sale, after payment of the balance due on the purchase price, mortgage, or lien, shall be deposited in the State treasury. Proceeds.

11626. In any case the Department of Finance may, within thirty days after judgment, pay the balance due to the bona fide or innocent purchaser, lien holder, mortgagee, or vendor and purchase the vehicle for the State. Purchase by State.

Release
of vehicle.

11627. If the court finds that the vehicle was not used to transport narcotics, the court shall order the vehicle released to the owner as his right, title, or interest appears of record in the Department of Motor Vehicles as of the date of the seizure.

Disposition
of forfeited
vehicle.

11628. When a vehicle has been ordered forfeited to the State, it shall be turned over to the Department of Finance, which shall deliver to the State division such forfeited vehicles as may be needed by the division to enforce the provisions of this division.

Exemptions.

11629. The provisions of this division relative to forfeiture of vehicles do not apply to a common carrier, or to an employee acting within the scope of his employment in the enforcement of this division.

Article 2. Seizure and Disposition of Narcotics.

Seizure.

11650. Narcotics possessed in violation of this division, and all opium pipes, may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in the Penal Code.

Opium pipes:
Order for
destruction.

11651. All opium pipes seized under the provisions of this division shall, upon conviction of the owner or defendant, be ordered destroyed by the judge of the court in which conviction is had.

Contents of
order.

11652. The order of destruction shall contain the name of the party charged with the duty of destruction, but the judge shall turn all such evidence over to the State division for destruction.

Delivery
to State
division.

11653. All narcotics that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over immediately to the State division for destruction or disposition.

Same.

11654. Narcotics and opium pipes seized under this division, now in the possession of any city or county official, or of the State Board of Pharmacy, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the State division for destruction or disposition.

No narcotics or opium pipes coming into the possession of the State division as described in this section shall be destroyed within six months from seizure.

Gift.

11655. The State division may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendents of State prisons or State hospitals, for medical purposes.

11656. When narcotics or opium pipes have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the State division, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

Safekeeping
when case
fugitive.

11657. When narcotics or opium pipes have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over immediately to the State division, unless the court finds that the narcotics were lawfully possessed by the defendant.

Disposal
when case
dismissed.

Article 3. Prosecutions and Disposition of Fines.

11680. The district attorney of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation.

Prosecution:
District
attorney.

However, subject to the approval of the Attorney General, the chief may employ special counsel for that purpose, who may take complete charge of the conduct of such actions or prosecutions. The chief may fix the compensation to be paid for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as he may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars in any one year.

Special
counsel.

11681. All money, forfeited bail, or fines received under this division shall be sent without delay by the judge or magistrate receiving them, seventy-five per cent to the State Treasurer to be deposited in the State treasury, and twenty-five per cent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

Fines:
Disposition.

11682. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall immediately transmit a record of it to the State Controller.

Records.

11683. When an imprisonment has been imposed for a violation of this division, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture instead, the fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

Same.

11684. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the State Controller.

Same.

Annual
report.

11685. Each judge or magistrate shall transmit to the State Treasurer an annual report of the fines and forfeitures collected by him during the calendar year. This report shall be rendered before the fifteenth day of January of the following year on blanks furnished by the State Controller.

Suit for
enforcement.

11686. The State Controller shall check the reports and records of each judge and magistrate with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the State Controller shall bring suit to enforce their collection or transmittal, or both.

Bond
liability.

11687. The official bond of any judge or magistrate is liable for his failure to transmit the fines or forfeitures imposed by him under this division.

Public
inspection.

11688. The records kept by a judge or magistrate under this division are open to public inspection, and may be checked by the State Controller, the Attorney General, the district attorney of the particular county, or the State division.

Article 4. Penalties.

Place for
narcotic
smoking:
Visit.

11710. Every person who visits or is in any room or place where any narcotics are being or have recently been smoked is guilty of a misdemeanor.

Maintenance.

11711. Every person who opens or maintains to be resorted to by other persons any place on which narcotics are unlawfully sold, given away, or smoked is guilty of a felony.

Unlawful
possession.

11712. Any person convicted under this division for having in possession any narcotic, or of violating the provisions of sections 11530, 11531, or 11555, shall be punished by imprisonment in the county jail for not more than one year, or in the State prison for not more than six years.

Previous
conviction.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the State prison for not less than six months nor more than six years.

Transporta-
tion or sale.

11713. Any person convicted under this division for transporting, selling, furnishing, or giving away, or offering to transport, sell, furnish, or give away, any narcotic shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not less than six months nor more than six years.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the State prison for not less than one nor more than ten years.

Previous conviction.

11714. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, preparing for sale, peddling, or using any narcotic is guilty of a felony punishable by imprisonment in the State prison for not less than one year nor more than six years, and for each subsequent offense shall be imprisoned in the State prison for not less than six years.

Hiring minor.

11715. Every person who forges or alters a prescription, or who issues a prescription bearing a forged or fictitious signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not less than six months nor more than six years, and for each subsequent offense shall be imprisoned in the State prison for not less than one nor more than ten years.

Forging prescription, etc.

11715.5. Any person not a citizen of the United States of America who is convicted of violating sections 11712, 11713, 11714, 11715, or of committing any offense referred to in those sections shall be reported to the appropriate agency of the United States having charge of deportation matters.

Aliens.

The certificate shall be issued by the court in which the conviction takes place, shall recite the facts of the case, and recommend that the defendant be deported.

(Added by Stats. 1939, Ch. 1097.)

11715.6. In no case shall any person convicted of violating sections 11712, 11713, 11714, 11715, or of committing any offense referred to in those sections, be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

Probation or suspension of sentence.

(Added by Stats. 1939, Ch. 1097.)

11716. Every person who violates any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than one hundred eighty days, or by both.

General penalty.

Revocation
of regis-
tration.

11717. The board of pharmacy may revoke the registration of any registered pharmacist or registered assistant pharmacist upon conviction of violating any provision of this division, and in such case the registration shall not be restored before the period of one year from the date of the revocation.

Article 4.5. Addicts.

(Art. 4.5 added by Stats. 1939, Ch. 1079.)

Addict.

11720. A narcotic addict, within the meaning of this article, is any person who takes or otherwise uses any of the narcotics and who is so far addicted to the use of such narcotics as to have lost the power of self control with reference to his addiction, except that when such user of narcotics is suffering from an incurable disease or an accident or injury or from the infirmities of age and such narcotics are furnished, prescribed or administered to him in good faith and in the course of his professional practice by a physician and surgeon duly licensed in this State, in the course of treatment for such disease, ailment, injury, or infirmities, and are not so furnished or prescribed in order to satisfy the narcotic addiction of a user of narcotics, such person shall not be held to be an addict within the meaning of this article.

(Added by Stats. 1939, Ch. 1079.)

Penalty.

11721. A narcotic addict is punishable by imprisonment in the county jail for not less than three nor more than six months.

(Added by Stats. 1939, Ch. 1079.)

Probation.

11722. In no case shall any narcotic addict punishable under this article be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

(Added by Stats. 1939, Ch. 1079.)

Article 5. Abatement.

Nuisance.

11780. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away any opium, morphine, cocaine, or heroin, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

Action to
abate.

11781. Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, shall, or any citizen of the State resident in the county, in his own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or

maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

11782. Unless filed by the district attorney, the complaint in the action shall be verified. Complaint

11783. If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance. Temporary injunction.

11784. Except when it is granted on application of the people of the State, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by reason of the injunction if the court finally decides that the applicant was not entitled to it. Under-taking.

11785. The action shall have precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under this division. Priority of action.

11786. If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court. Dismissal.

11787. In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff. Substitution of plaintiff.

11788. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for the action, the costs shall be taxed against him. Taxing of costs.

11789. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action are a lien upon the building or place. The lien is enforceable and collectible by execution issued by order of the court. Order. lien, etc.

11790. A violation or disobedience of the injunction or order for abatement is punishable as a contempt of court by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail for not less than one nor more than six months, or by both. Violation of injunction.

Removal
and sale of
property.

11791. If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.

Closing
building.

The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, unless sooner released, as provided in this division.

Court
custody.

11792. While the order of abatement remains in effect, the building or place is in the custody of the court.

Fees.

11793. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Disposition
of proceeds.

11794. The proceeds of the sale of the movable property shall be applied as follows:

First—To the fees and costs of the removal and sale.

Second—To the allowances and costs of closing and keeping closed the building or place.

Third—To the payment of the plaintiff's costs in the action.

Fourth—The balance, if any, to the owner of the property.

Sale of
building.

11795. If the proceeds of the sale of the movable property do not fully discharge all of the costs, fees, and allowances, the building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of the sale shall be applied in like manner.

Abatement
by owner.

11796. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at the building or place and prevent it from being established or kept thereat within a period of one year thereafter, the court, or judge may, if satisfied of his good faith, order the building or place to be delivered to the owner, and the order of abatement canceled so far as it may relate to the property.

The release of property under the provisions of this division does not release it from any judgment, lien, penalty, or liability to which it may be subject.

11797. Whenever the owner of a building or place upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this division, the fine is a lien upon the building or place to the extent of his interest in it.

The lien is enforceable and collectible by execution issued by order of the court.

DIVISION XI. EXPLOSIVES.

PART 1. HIGH EXPLOSIVES.

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS.

12000. Unless the context otherwise requires, "explosive," "Explosive," as used in this division, includes any of the following:

(a) Gunpowder, blasting powder, dynamite, guncotton, nitro-glycerine, a nitro-glycerine compound, fulminate, or an explosive substance having an explosive power equal to or greater than black blasting powder.

(b) A substance to be exploded or ignited to produce a force for propelling missiles or rending other substances.

"Explosive" does not include any substance specified in this section in the form of fixed ammunition for small arms.

12001. "Explosive manufacturing plant," as used in this division, includes all land used in connection with the manufacture and storage of explosives at any such plant.

"Explosive manufacturing plant."

12002. This division does not apply to any shipment of explosives from a point within and consigned to a point without this State over a line of a common carrier.

Exception.

12003. This division does not affect the operation or provisions of any city or city and county ordinance respecting the delivery, storage, and handling of explosives.

Same.

12004. The Railroad Commission may make, publish, and promulgate regulations which are not in conflict with this division, and which, in the judgment of the commission, may promote the safe packing, loading, storage, and transportation of explosives.

Railroad Commission regulations.

12005. Any peace officer, or member of the police force of any city, city and county, or town where an act occurs giving rise to a forfeiture specified in this division may, for his own benefit, sue for the forfeiture.

Action for forfeiture.

CHAPTER 2. SALES RECORDS.

12100. This chapter does not apply to any of the following persons:

Exceptions.

(a) Any person who delivers explosives to another person or any carrier for transportation between places in this State.

(b) Any person who sells or delivers explosives in interstate commerce transactions.

Journal
or record
book.

12101. Every person who sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal or record book in which shall be noted at the time it is made, each sale, delivery, gift, or other disposition of an explosive made by him, whether in the course of business or otherwise.

Notations.

12102. Each notation in the journal or record book shall show, in a legible handwriting:

(a) The name and quantity of the explosive sold, delivered, given away, or otherwise disposed of.

(b) The name, residence, and business of the purchaser or transferee.

(c) The name of the individual to whom the explosive is delivered, his address, and a description of him sufficient for identification purposes.

Inspection,
etc.

12103. The journal or record book shall be kept by the person required to keep it in his principal office or place of business. It is at all times subject to the inspection and examination of the police authorities of the State, or of the county or city in which the principal office or place of business is situated, on proper demand.

Purchaser
statement:
Contents.

12104. It is unlawful for any person to sell, give away, or deliver any explosives without first taking from the person to whom the explosives are sold, given away, or delivered a statement in writing showing:

(a) The name and address of such person.

(b) The place where, and the purpose for which, the explosives are intended to be used.

Execution.

12105. The statement shall be signed by the person to whom the explosives are sold, given away, or delivered, or by his agent. It shall also be witnessed by two persons known to the person selling, giving away, or delivering the explosives to be residents of the county where, as shown by the statement, the explosives are intended to be used. The witnesses shall certify that the person to whom the explosives are to be sold, given away, or delivered is personally known to them, and that to the best of their knowledge and belief, the explosives are required by such person for the purposes set forth in the statement.

Witnesses.

Filing.

12106. Every statement received by a person who sells, gives away, or delivers explosives shall at all times be kept on file in his principal office or place of business. It is subject to the inspection of the police authorities of the State, or of

Inspection.

the county or city in which the principal office or place of business is situated, on proper demand.

12107. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than one hundred nor more than two thousand dollars, or by imprisonment for not less than six months, or by both. Criminal penalty.

12108. In addition to the criminal punishment, a person who violates any provision of this chapter shall forfeit the sum of two hundred and fifty dollars for each violation. The forfeiture may be sued for by any person in a court of competent jurisdiction. Civil penalty.

12109. A person who has instituted an action for a forfeiture pursuant to this chapter shall not dismiss it without the consent of the court in which it is pending. A judgment for such person shall not be settled, satisfied, or discharged except by an order of, and after deposit of the full amount of the judgment in, the court. All money deposited in the court shall be paid to the person who instituted the action. Dismissal, etc., of forfeiture action.

CHAPTER 3. STORAGE.

Article 1. General Provisions.

12150. Except only at an explosive manufacturing plant, no person shall possess, keep, or store any explosive which is not completely inclosed and incased in a tight metal, wooden, or fiber container. Containers.

No person having any explosives in his possession or control shall under any circumstances permit or allow any grains or particles of explosives to be or remain on the outside of, or about, the containers in which the explosives are kept.

12151. Except while being transported or while in the custody of a common carrier pending delivery to a consignee, every explosive shall be kept or stored in one of the two classes of magazines specified in this chapter. Magazines.

12152. This chapter does not prohibit the keeping or storing of explosives in any explosive manufacturing plant which was actually used in manufacturing explosives prior to the fifteenth day of April, 1917. Exception.

12153. This chapter does not prohibit the keeping or storing of explosives in any tunnel in which: Same.

- (a) No person is employed.
- (b) The doors are fireproof.
- (c) The doors at all times are kept closed and locked, except when necessarily opened by persons lawfully entitled

to enter the tunnel for the purpose of storing or removing explosives.

(d) On each door are printed legibly the words, "magazine," "explosives," "dangerous."

Article 2. Magazines of the First Class.

Scope of
article.

12170. The provisions of this article relate to magazines of the first class.

"Building."

12171. "Building," as used in this article, means any building the whole or a part of which is regularly occupied as a habitation by human beings, and any store, church, schoolhouse, railway station, or other public place of assembly.

"Highway."

12172. "Highway," as used in this article, means any public street or public road, but does not include any road constructed and maintained by a private person.

"Railroad."

12173. "Railroad," as used in this article, means any steam, electric, or other railroad that carries passengers or articles of commerce for hire.

"Efficient
artificial
barricade."

12174. "Efficient artificial barricade," as used in this article, means an artificial mound or properly revetted wall of earth not less than three feet in thickness.

Mining or
quarrying
operations.

12175. The provisions of this article regarding the amount of explosives that may be kept or stored in a magazine, or prescribing the distance at which a magazine shall be situated from a building, railroad, or highway, do not apply to persons engaged in mining or quarrying operations.

Nature.

12176. A magazine of the first class is a structure in which more than one hundred pounds of explosives are stored or kept.

Construc-
tion:
Material.

12177. The magazine shall be constructed wholly of fireproof material. It shall be fireproof and, unless it is used only for the storage of gunpowder or black blasting powder, bullet proof.

Openings.

12178. The magazine shall have no openings except for ventilation and entrance.

Doors.

12179. The doors of the magazine shall be fireproof and bullet proof. They shall at all times be kept closed and locked, except when necessarily opened by persons lawfully entitled to enter the magazine for the purpose of storing or removing explosives.

12180. The magazine shall have sufficient ventilation openings, which shall be so screened as to prevent the entrance of sparks or fire through them. Ventilation.

12181. No match, fire, or lighting device of any kind, except an electric light, shall at any time be permitted in any magazine. Matches, fires, etc.

12182. A sign on which are printed legibly the words, "magazine," "explosives," "dangerous," in letters not less than six inches high, shall be kept posted in a conspicuous place on each side of the magazine. Signs.

12183. No package of explosives shall at any time be opened in any magazine. Opening packages.

12184. Blasting caps, other detonating or fulminating caps, detonators, or electric fuzes shall not be kept or stored in any magazine in which explosives are kept or stored, but may be kept or stored in a magazine meeting the construction requirements of this article and located at least one hundred feet from any magazine in which explosives are kept or stored. Blasting caps, etc.

12185. A magazine in which explosives are kept or stored shall be detached and located at least one hundred feet from any other structure. Location.

12186. The quantity of blasting caps or explosives that may be kept or stored in any magazine depends upon the distance that the magazine is situated from, and upon the protection afforded by natural ground or efficient artificial barricades to, the nearest building, highway, or railroad. Storage quantity.

12187. In the following table is set forth the minimum distance that a magazine in which a specified quantity of blasting caps or explosives is kept or stored shall be situated from the nearest building, railroad, or highway: Distance from nearest building, railroad or highway.

Table.

QUANTITY AND DISTANCE TABLE.

Column 1 Quantity Kept or Stored		Column 2	Column 3	Column 4
Blasting caps	Explosives	Distance From Nearest Building In Feet	Distance From Nearest Railroad In Feet	Distance From Nearest Highway In Feet
Number	Pounds			
1,001— 5,000	-----	30	20	10
5,001— 10,000	-----	60	40	20
10,001— 20,000	-----	120	70	35
20,001— 25,000	Not more than 50	145	90	45
25,001— 50,000	51— 100	240	140	70
50,001— 100,000	101— 200	360	220	110
100,001— 150,000	201— 300	520	310	150
150,001— 200,000	301— 400	640	380	190
200,001— 250,000	401— 500	720	430	220
250,001— 300,000	501— 600	800	480	240
300,001— 350,000	601— 700	860	520	260
350,001— 400,000	701— 800	920	550	280
400,001— 450,000	801— 900	980	590	300
450,001— 500,000	901— 1,000	1,020	610	310
500,001— 750,000	1,001— 1,500	1,060	640	320
750,001—1,000,000	1,501— 2,000	1,200	720	360
1,000,001—1,500,000	2,001— 3,000	1,300	780	390
1,500,001—2,000,000	3,001— 4,000	1,420	850	420
2,000,001—2,500,000	4,001— 5,000	1,500	900	450
	5,001— 6,000	1,560	940	470
	6,001— 7,000	1,610	970	490
	7,001— 8,000	1,660	1,000	500
	8,001— 9,000	1,700	1,020	510
	9,001— 10,000	1,740	1,040	520
	10,001— 20,000	1,780	1,070	530
	20,001— 30,000	2,110	1,270	630
	30,001— 40,000	2,410	1,450	720
	40,001— 50,000	2,680	1,610	800
	50,001— 60,000	2,920	1,750	880
	60,001— 70,000	3,130	1,880	940
	70,001— 80,000	3,310	1,990	1,000
	80,001— 90,000	3,460	2,080	1,040
	90,001—100,000	3,580	2,150	1,080
	100,001—200,000	3,800	2,280	1,140
	200,001—300,000	4,310	2,590	1,300

12188. Any applicable minimum distance may be one-half of that set forth in the quantity and distance table if the nearest building, railroad, or highway is effectually screened from the magazine either by a natural ground or an efficient artificial barricade of such height that:

(a) A straight line drawn from the top of any side wall of the magazine to any part of the building will pass through the barricade.

(b) A straight line drawn from the top of any side wall of the magazine to any point twelve feet above the center of the railroad or highway will pass through the barricade.

12189. The quantity and distance table is not applicable to any magazine if the nearest building, railroad, or highway is effectually screened from the magazine by a natural barrier, which:

(a) At any one point is forty feet or more in height above a straight line drawn from the top of any side wall of the magazine to any part of the building, or to any point twelve feet above the center of the railroad or highway.

(b) Has a natural thickness of not less than two hundred feet at the point where it is intersected by the straight line.

12190. If at any time the distance from a magazine to the nearest building, highway, or railroad is decreased through the construction of a new building, highway, or railroad, the quantity of explosives kept or stored in the magazine shall be reduced to correspond with that specified for the new distance by the quantity and distance table. The distance need not be reduced, however, in the event that a new building is constructed in bad faith and with the intent to annoy, harass, oppress, or hinder the owner of the magazine.

Article 3. Magazines of the Second Class.

12210. A magazine of the second class is a stout box in which not more than one hundred pounds of explosives are stored or kept.

12211. A sign on which are printed legibly the words, "magazine," "explosives," "dangerous," shall be kept posted in a conspicuous place on the magazine.

12212. Except when necessarily opened for use by authorized persons, the magazine shall at all times be kept securely locked.

Article 4. Violations.

12220. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not

less than twenty-five nor more than one thousand dollars, or by imprisonment for not more than six months, or by both.

CHAPTER 4. TRANSPORTATION.

On common
carriers.

12300. It is unlawful to transport any explosives between places in this State on any vessel, car, or other vehicle carrying passengers for hire and operated by a common carrier, unless the explosives are:

(a) Small arms ammunition.

(b) Fuses, torpedoes, rockets, or other signal devices essential for the promotion of safety in operation.

(c) Properly packed and marked samples for laboratory examination, each not exceeding one-half pound in net weight, when not more than twenty are carried in a single vessel, car, or vehicle, and when they are not carried in that part of the vessel, car, or vehicle which is intended for the carriage of passengers for hire.

(d) Munitions of war in the possession of military or naval forces who are being carried on the vessel, car, or vehicle.

This section does not prohibit the transportation of explosives on a freight train that carries passengers for hire in a car or caboose attached to its rear.

Same.

12301. It is unlawful to transport liquid nitro-glycerine, dry fulminate in bulk, or other like explosive between places in this State on any vessel, car, or vehicle operated by a common carrier in the carriage of passengers or articles of commerce.

Felonious
acts.

12302. Every person who wilfully does any of the following is guilty of a felony punishable by imprisonment in a State penitentiary for not more than two years:

(a) Carries any explosive on his person on any vessel, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive, while on board any such vessel, car, or vehicle, in any hand baggage, roll, or container.

(c) Places any explosive in any baggage which is later checked with any common carrier.

Package
marking.

12303. The contents of a package containing explosives shall be plainly marked on the outside of the package at the time the package is delivered to a common carrier for transportation.

False
marking.

It is unlawful for any person to deliver, or cause to be delivered, to any common carrier for transportation any explosive under any false or deceptive marking, description, invoice, shipping order, or other declaration, unless he informs the carrier or the carrier's agent, at or before the time of delivery, of the true character of the explosive.

12304. Every person who takes, carries, or transports, or causes to be taken, carried, or transported, any dynamite, vigorite, nitro-glycerine, hercules or giant powder, or other high explosive into, through, or across any city or harbor in violation of the ordinances of the city, or of the laws or regulations governing the harbor, as the case may be, shall, in addition to any penalties imposed by such ordinances, laws, or regulations, forfeit the explosive, together with any case in which it may be contained, to the State.

Transportation within city, etc.

Forfeiture.

12305. Any citizen of the State may sue for the forfeiture for himself and the State by an action in any court of competent jurisdiction, but without any cost or expense to the State. If the forfeiture is directed by the judgment of the court, the property subject to the forfeiture shall be sold. The citizen instituting the action may retain one-half of the proceeds for his own benefit, and shall pay the other half into the State treasury.

Action for forfeiture.

12306. Every person who wilfully violates, or causes the violation of, any provision of this chapter, except a provision in sections 12302, 12304, and 12305, is guilty of a misdemeanor punishable by a fine of not more than two thousand dollars, or by imprisonment for not more than eighteen months, or by both.

Penalty.

CHAPTER 5. ILLEGAL USE OR POSSESSION.

12350. "Explosive," as used in this chapter, means nitro-glycerine, dynamite, vigorite, hercules powder, giant powder, or any other high explosive.

"Explosive."

12351. "Lawful possession of an explosive," as used in this chapter, means the possession of an explosive in any of the following:

"Lawful possession of explosive."

- (a) In the course of the business of manufacturing, selling, or transporting explosives.
- (b) In the course of legitimate blasting operations.
- (c) In the arts.

12352. Every person who does either of the following is guilty of a felony:

Felonious acts:

(a) Recklessly or maliciously has in his possession an explosive on a public street or highway; in or near any theater, hall, school, college, church, hotel, other public building, or private habitation; in, on, or near any railway passenger train or car, cable road or cable car, steam or other vessel engaged in carrying passengers, ferryboat, or public place ordinarily passed by human beings.

Reckless or malicious possession.

(b) Recklessly or maliciously uses an explosive to intimidate, terrify, or endanger any human being.

Reckless or malicious use.

Presumption. Any person not in the lawful possession of an explosive who is found with an explosive on his person or in his possession on, in, or near any of the buildings, means of transportation, or places mentioned in this section, is presumably guilty of reckless and malicious possession of the explosive.

Unlawful possession. 12353. Every person not in the lawful possession of an explosive who knowingly has any explosive in his possession is guilty of a felony punishable by imprisonment in a State prison for not more than five years, or by a fine of not more than five thousand dollars, or by both.

Use at place of assemblage. 12354. Every person is guilty of a felony punishable by imprisonment in the State prison for not less than one year who, with the intent to injure or destroy it, or with the intent to injure, intimidate, or terrify any human being, maliciously uses, places, deposits, explodes, or attempts to explode any explosive at, in, under, or near, or takes any explosive into or near, any (a) building, vessel, boat, railroad, tramroad, cable road, train, car, depot, stable, car-house, theater, school-house, church, or dwelling; (b) other place usually inhabited, frequented, or passed by human beings, or where human beings usually assemble; or who by any of such acts injures or endangers any human being.

CHAPTER 6. MISCELLANEOUS.

Unlawful entry of magazine. 12400. With the exception of a peace officer, the owner, a person authorized to enter by the owner, or the owner's agent, every person who enters any explosive manufacturing plant, magazine, or car containing explosives is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than three months, or by both.

Discharge of firearm. 12401. Every person who wilfully discharges any firearm within five hundred feet of any magazine or any explosive manufacturing plant is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both.

General penalty. 12402. If no other criminal punishment is prescribed by this division, any person who makes or keeps gunpowder, nitro-glycerine, or any other highly explosive substance in any city, or who carries any such substance through the streets of any city, in any quantity or manner prohibited either by this division or by any ordinance of the city in which it is made, kept, or carried, is guilty of a misdemeanor.

PART 2. FIREWORKS.

(Part 2 added by Stats. 1939, Ch. 534.)

12500. "Dangerous fireworks," as used in this part, "Dangerous fireworks," includes any of the following:

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, chlorate of potash and sulphur or chlorate of potash and sugar;

Firecrackers or salutes, exceeding two inches in length and three-eighths of an inch in diameter and containing more than twelve grains of explosive compound and having an exterior casing harder than an ordinary paper tube;

Blank cartridges;

Sky rockets, including all devices which rise in the air during discharge;

Roman candles, including all devices discharging balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds except those specifically designed for use only with toy pistol paper caps containing not more than twenty-five hundredths grain of explosive compound to each paper cap.

(Added by Stats. 1939, Ch. 534.)

12501. "Safe and sane fireworks," as used in this part, "Safe and sane fireworks," includes any fireworks not designated as "dangerous fireworks."

(Added by Stats. 1939, Ch. 534.)

12502. "Class 1 inflammable liquid," as used in this part, "Class 1 inflammable liquid," includes any liquid whose flash point is one hundred (100) degrees Fahrenheit, or less.

(Added by Stats. 1939, Ch. 534.)

12503. No person, without securing a permit shall do any of the following: License required.

- (a) Manufacture, possess or sell any dangerous fireworks;
- (b) Sell any safe and sane fireworks as a retailer;
- (c) Discharge dangerous fireworks any place.

(Added by Stats. 1939, Ch. 534.)

Application.

12504. Any person desiring to do any act regulated by this part shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county.

It shall be the duty of the chief of the fire department or the chief fire prevention officer to whom the application for a permit was made to make an investigation and submit a report of his findings and his recommendations for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The governing body shall have power in its discretion to grant or deny the application.

This act does not prohibit any manufacturer, wholesaler, dealer or jobber having a permit secured under the provisions of this part, from manufacturing or selling any kind of fireworks for direct shipment out of this State or from manufacturing or selling at wholesale any dangerous fireworks to permittees hereunder; or the use of torpedoes, flares, or fusees by railroad or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic or sport events, or military ceremonies or demonstrations; or the sale of dangerous fireworks to permittees having a permit, as hereinafter provided for public displays; or the use and display of fireworks of whatever nature by any individual, firm or corporation engaged in the production of motion pictures, theatricals or operas, when such use and display is a necessary part of such production.

(Added by Stats. 1939, Ch. 534.)

Does not
restrict
other laws.

12505. Nothing in this part, or the permits issued under it, shall authorize the manufacture, sale, use or discharge of fireworks in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or ordinance.

(Added by Stats. 1939, Ch. 534.)

Forest
lands, etc.

12506. Nothing in this part shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the State Forester or his duly authorized agent, and in strict accordance with the terms of the permit.

(Added by Stats. 1939, Ch. 534.)

Application.

12507. Any person, firm, copartnership, or corporation planning to make a public display of fireworks shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held at least ten days in advance of the date of the display.

It shall be the duty of the chief of the fire department or the chief fire prevention officer to whom the application for a permit is made to make an investigation and submit a report of his findings and his recommendations for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The governing body shall have power in its discretion to grant or deny the application.

Investigation.

(Added by Stats. 1939, Ch. 534.)

12508. The applicant for such display permit shall at the time of application, furnish proof that he carries compensation insurance for his employees as provided by the laws of this State, and that he has filed with the clerk of the legislative body of the city or county in which the display is to be held a bond with at least two good and sufficient sureties to be approved by such legislative body, in the sum of not less than one thousand dollars, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof. If the permit is granted, the sale, possession, and use of fireworks for the public display is lawful for that purpose only. No permit granted is transferable.

Compensation insurance. Bond.

(Added by Stats. 1939, Ch. 534.)

12509. The State Fire Marshal shall adopt reasonable rules and regulations for the granting of permits for, and the presentation of, public displays of fireworks. Every such display shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held. All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property.

Rules and regulations.

(Added by Stats. 1939, Ch. 534.)

12510. No person shall transport, convey, or deliver any dangerous fireworks except for permittees making delivery to any other permittees, or to locations of public displays of fireworks authorized hereunder or to distributors outside of this State.

Transportation.

(Added by Stats. 1939, Ch. 534.)

12511. No person shall sell or discharge any fireworks in any public garage or public oil station or on any premises where gasoline or other class 1 inflammable liquids are stored or dispensed or where more than four motor vehicles are stored.

Garages, etc.

(Added by Stats. 1939, Ch. 534.)

Rubbish in premises. 12512. No person shall allow any rubbish to accumulate in any premises where any fireworks are stored or sold.
(Added by Stats. 1939, Ch. 534.)

Penalty. 12513. Violation of this part is a misdemeanor.
(Added by Stats. 1939, Ch. 534.)

DIVISION XII. FIRES AND FIRE PROTECTION.

PART 1. GENERAL PROVISIONS.

CHAPTER 1. LIABILITY IN RELATION TO FIRES.

Control of fire. 13000. Every person is guilty of a misdemeanor who allows a fire kindled or attended by him to escape from his control or to spread to the lands of any person other than the builder of the fire without using every reasonable and proper precaution to prevent the fire from escaping.

Lighted cigarettes, etc. 13001. Every person is guilty of a misdemeanor who throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire.

Throwing from moving vehicle. 13002. Every person is guilty of a misdemeanor who throws from a moving vehicle any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire.

Use of locomotive, etc., without spark device. 13003. Every person is guilty of a misdemeanor who uses any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain, or stubble land, unless the engine or boiler is provided with adequate devices to prevent the escape of fire or sparks and unless he uses every reasonable precaution to prevent the causing of fire thereby.

Use of harvester without fire extinguishers. 13004. Every person is guilty of a misdemeanor who harvests grain or causes it to be harvested by means of a combined harvester, header, or stationary threshing machine, or who bales hay by means of a hay press, unless he keeps at all times in convenient places upon each machine or press, two suitable chemical fire extinguishers, approved by the underwriters' laboratories, each of a capacity of not less than two and one-half gallons and fully equipped and ready for immediate use.

Operation of tractors, etc., without spark devices. 13005. Every person is guilty of a misdemeanor who operates or causes to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine, or auto truck in harvesting or moving grain or hay, or who moves any tractor,

engine, machine or auto truck in or near any grain or grass lands, unless there is attached to the exhaust an effective device for arresting burning carbon and sparks.

13006. Every person is guilty of a misdemeanor who, at the burning of a building, does any of the following:

Preventing extinguishment of fire, etc.

(a) Disobeys the lawful orders of any public officer or fireman.

(b) Offers any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the fire.

(c) Engages in any disorderly conduct calculated to prevent the fire from being extinguished.

(d) Forbids, prevents, or dissuades others from assisting to extinguish the fire.

CHAPTER 2. FIRE EQUIPMENT.

Article 1. Standard Equipment.

13025. All equipment for fire protective purposes, purchased by any authorities having charge of public property, shall be equipped with the standard threads for fire hose couplings and hydrant fittings designated as the national standard as adopted by the National Board of Fire Underwriters, which standard is designated as the standard for such equipment in this State.

Standard threads for fire equipment.

13026. The State Fire Marshal is authorized to make such changes as may be necessary to standardize all existing fire protective equipment in this State.

Authority of State Fire Marshal.

13027. The State Fire Marshal shall notify industrial establishments and property owners having equipment for fire protective purposes of the changes necessary to bring their equipment into conformity with, and shall render them such assistance as may be available in converting their equipment to, standard requirements.

Notice and assistance to property owners.

13028. Any person who sells or offers for sale any fire hose, hydrant, fire engine or other equipment with threaded parts, for fire protective purposes, unless it is fitted and equipped with the standard thread for fire hose couplings and hydrant fittings is guilty of a misdemeanor, punishable by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail for not less than five or more than thirty days, or by both.

Unlawful sale.

Penalty.

Article 2. Use of Fire Equipment.

13050. The apparatus, equipment and fire fighting force of any city, or city and county, or of any county fire protec-

Use of city fire equipment outside city.

tion district may be used for the purpose of extinguishing any fire which occurs:

(a) In any city, or city and county, or in any county fire protection district, which is of such proportions that it can not be adequately handled by the fire department of the city, or city and county, or the county fire protection district.

(b) Outside the limits of any city, or city and county, or any county fire protection district.

Charge.

13051. The reasonable value of the use of, and repairs and depreciation on, apparatus and equipment, and other expenses reasonably incurred in furnishing fire fighting services, constitutes a charge against the city, city and county, or the county fire protection district in which the fire occurs, or if the fire occurs outside the boundaries of any city, city and county, or any county fire protection district, a charge against the county in which the fire occurs.

Payment.

13052. The entity rendering the service shall present a claim to the entity liable therefor, in accordance with predetermined schedules of payments agreed upon by the respective entities. If the claim is approved by the head of the fire department, if any, in the entity to which presented, and by its governing body, it shall be paid in the same manner as other charges and if not paid an action may be brought for its collection.

Use of
county fire
equipment
outside
county.

13053. Whenever a fire occurs in any county or within the boundaries of any national forest which is of such proportions that it can not be adequately handled by the forestry department or fire warden of the county or the facilities of the Division of Forestry of the State or of the United States Forest Service, the personnel, equipment, and fire fighting facilities of any county may be authorized by the State forest ranger within the county or the county forester or fire warden of the county to assist in its extinguishment and control.

Payment.

13054. Where the personnel, equipment, and facilities of any county are utilized in the extinguishment or control of any fire outside its boundaries, the county furnishing its personnel, equipment, and facilities shall be reimbursed by the county in which the fire occurs in an amount in accordance with a predetermined schedule of repayments agreed upon by the boards of supervisors of the counties, or between the board of supervisors of the county and the Division of Forestry of the State or the United States Forest Service, as the case may be.

PART 2. FIRE PROTECTION.

CHAPTER 1. STATE FIRE MARSHAL.

State Fire
Marshal.

13100. There is in the State government the office of the State Fire Marshal.

13101. The State Fire Marshal shall be appointed by and hold office at the pleasure of the Governor. He shall serve without compensation.

Appointment and compensation.

13102. The State Fire Marshal may employ such salaried office and field assistants as he may consider necessary.

Assistants.

13103. The State Fire Marshal may appoint such assistant or deputy State fire marshals as he may consider necessary from among active chiefs of fire departments, city fire marshals, and his salaried field assistants.

Deputies.

The State Fire Marshal and the assistant or deputy State fire marshals shall exercise the functions of police officers.

13104. The State Fire Marshal shall aid in the enforcement of all laws and ordinances relating to fires or to fire prevention and protection.

Enforcement of fire laws.

He shall, if possible, attend, and take charge of and protect all property which may be imperiled by, any fire other than:

Attendance at fires.

(a) A forest, brush, or grain fire.

(b) A fire occurring within any city or town maintaining a fire department, within a county fire protection district, or within a county where there is a regularly appointed county fire warden.

13104.5. Except on property which has been deeded to the State for taxes, the State Fire Marshal may abate fire hazards existing on property owned, controlled, or held in trust by the State, in areas not under the jurisdiction of the State Forester, upon the request of the legislative body of the city, county, or city and county within which the property is situated. The cost of the abatement shall be paid out of any money in the State treasury appropriated for that purpose.

Abating fire hazards on State property.

(Added by Stats. 1939, Ch. 693.)

13104.6. The State Fire Marshal may determine the existence of a fire hazard on any property which has been deeded to the State for taxes and may serve a written notice of condemnation of the fire hazard on the State Controller, or on any person designated by the Controller. The fire hazard is then subject to removal in accordance with the law relating to removal of public nuisances on tax deeded property.

Fire hazard on tax deeded property.

(Added by Stats. 1939, Ch. 693.)

13105. He shall encourage the adoption of fire prevention measures by means of education, and shall prepare or cause to be prepared for dissemination information relating to the subject of fire prevention and extinguishment.

Encouragement of fire prevention.

13106. During the existence of a fire, the State Fire Marshal may protect any property which is affected thereby

Protection of property.

until the arrival of the owner or claimant. If the owner or claimant does not take charge of the property within twenty-four hours, the State Fire Marshal may store it at the owner's or claimant's expense.

Reports to
district
attorney.

13107. If there is reason to believe that any fire has resulted from crime or that crime has been committed in connection with any fire, the State Fire Marshal shall report that fact in writing to the district attorney of the county in which the fire occurred.

Rules and
regulations.

13108. The State Fire Marshal shall make and enforce orders, rules, and regulations, not inconsistent with any existing laws or ordinances, relating to:

(a) Fire protection in the design and construction of, the means of egress and adequacy of exits from, and the installation and maintenance of fire alarm and fire extinguishment systems in, State institutions.

(b) The installation of equipment and furnishings that present unusual fire hazards in, and the means of egress and adequacy of exits in case of fire from, any factory, asylum, hospital, sanitarium, church, school, hall, theater, amphitheater, or other place where a large number of persons work, live, or congregate.

Inspection.

13109. The State Fire Marshal or his salaried assistants may enter any factory, asylum, hospital, sanitarium, church, school, hall, theater, amphitheater, or other place where a large number of persons work, live, or congregate at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager, or operator of any of such buildings or premises shall permit the State Fire Marshal or his salaried assistants to enter and inspect them at the time and for the purpose stated in this section.

Reports to
Governor.

13110. The State Fire Marshal shall submit monthly and annual reports to the Governor.

Fund.

13111. The State Fire Marshal's fund is continued in existence. The money in the fund shall be expended by the State Fire Marshal for the purpose of enforcing this chapter and any other law in which the State Fire Marshal or the Division of Fire Safety in the Department of Industrial Relations is designated as the enforcing officer or agency.

(Added by Sats. 1939, Ch. 105, as part of codification.)

Penalty.

13112. Every person who violates any provision of this chapter, or any order, rule, or regulation made pursuant to this chapter, is guilty of a misdemeanor punishable by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not less than thirty nor more than one hundred eighty days, or by both.

A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this chapter.

CHAPTER 2. CLOTHES CLEANING ESTABLISHMENTS.

Article 1. Definitions.

13201. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter. Definitions:

13202. "Volatile and inflammable product" and "solvent" mean any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion. "Volatile and inflammable product" and "solvent."

13203. "Volatile, commercially moisture-free solvent" includes any liquid, volatile, and inflammable product or substance. "Volatile, commercially moisture-free solvent."

13204. "Cleaning" and "dry-cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile and inflammable product, applied either manually or by means of a mechanical appliance. "Cleaning" and "dry-cleaning."

13205. "Dyeing" means the process of coloring wearing apparel, feathers, furs, hats, fabrics, or textiles by the use of aniline dyes, mordants, acid, and steam. "Dyeing."

13206. "Clothes cleaning establishment," "cleaning and dyeing establishment," and "establishment" mean any building, room, or premises equipped to perform the service of cleaning, dry-cleaning, processes incidental to cleaning or dry-cleaning, or dyeing. "Clothes cleaning establishment," "cleaning and dyeing establishment," and "establishment."

13207. "Wash room" means any building or room used for any one, or any combination, of the following purposes: "Wash room."

(a) Cleaning.

(b) Dyeing.

(c) Removing or extracting any volatile, commercially moisture-free solvent from wearing apparel, feathers, furs, hats, fabrics, or textiles that have been cleaned in such solvent.

(d) Clarifying, filtering, distilling, purifying, washing, or cleaning a volatile, commercially moisture-free solvent or volatile and inflammable product.

"Dust wheel" or "tumbler."

13208. "Dust wheel" or "tumbler" means any wheel or machinery suitable for drying, deodorizing, or removing dust or fumes from wearing apparel, feathers, furs, hats, fabrics, or textiles.

"Drying and deodorizing room."

13209. "Drying and deodorizing room" means any building or room containing one or more dust wheels, tumblers, or metallic drying cabinets in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried or deodorized.

"Drying room."

13210. "Drying room" means any building or room containing steam pipes in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried.

"Solvent treatment room."

13211. "Solvent treatment room" means any building or room used exclusively for clarifying, filtering, distilling, redistilling, settling, washing, or otherwise cleaning or renovating any volatile and inflammable product or volatile, commercially moisture-free solvent.

"Store room."

13212. "Store room" means any building or room in which any volatile and inflammable product or solvent is kept or stored.

"Motor room."

13213. "Motor room" means any building or room in which a motor is installed and operated.

"Spotting and sponging room."

13214. "Spotting and sponging room" means any building or room used exclusively for cleaning by local application, other than by a process of scrubbing or brushing in which more than one gallon of a volatile and inflammable solvent is employed.

"Boiler room."

13215. "Boiler room" means any building or room in which is maintained, kept, or operated any appliance, machinery, or apparatus for the generation of steam or the heating of water, having a capacity of three horsepower or more in any one unit according to the American Society of Mechanical Engineers' or other standard rating.

(Amended by Stats. 1939, Ch. 634.)

[ORIGINAL SECTION.]

13215. "Boiler room" means any building or room in which is maintained, kept, or operated any appliance, machinery, or apparatus for the generation of steam or the heating of water, having a capacity of eight horsepower or more in any one unit according to the American Society of Mechanical Engineers' or other standard rating.

"Hazardous room."

13216. "Hazardous room" means any of the following:
(a) Wash room.
(b) Drying and deodorizing room.

- (c) Drying room.
- (d) Solvent treatment room.
- (e) Store room.
- (f) Motor room.
- (g) Spotting and sponging room.

13217. "Hazardous building" means any building containing one or more hazardous rooms. "Hazardous building."

13218. "Approved" means approved by the State Fire Marshal. "Approved."

13219. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants. "Operate."

Article 2. Administration.

13250. The State Fire Marshal, as chief of the Division of Fire Safety, shall enforce and administer this chapter. Enforcement.

13251. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter. Employees.

13252. The State Fire Marshal may prescribe such rules and regulations governing the construction, equipment, and operation of clothes cleaning establishments as may be necessary for the protection of life and property against fire menace, and for the promotion of the occupational security of the operators in the establishments. Rules and regulations.

As used in this section, "occupational security" means an operating condition which is as free as is industrially practicable from any agency that might contribute to bodily injury or impairment. "Occupational security" defined.

13253. The State Fire Marshal shall abate every fire nuisance in a clothes cleaning establishment pending a hearing before him thereon. The cost of an abatement is assessable against the owner of the establishment in which the nuisance abated was maintained. Abatement of fire nuisances.

As used in this section, "fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire. "Fire nuisance" defined.

13254. For the purpose of enforcing this chapter, the State Fire Marshal or his representatives may enter and Inspection.

inspect any clothes cleaning establishment during customary business hours, or at any time when the establishment is in operation. The owner, lessee, manager, or operator of the establishment shall permit the State Fire Marshal or his representatives to enter and inspect it at the times and for the purpose stated in this section.

Article 3. Licenses.

License
required.

13300. Unless he has made application to and obtained a license or permit therefor from the State Fire Marshal, no person shall do any of the following:

- (a) Establish or operate a clothes cleaning establishment.
- (b) Alter or reconstruct any building, machinery, equipment, or apparatus in an existing clothes cleaning establishment.
- (c) Cleanse wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning process.
- (d) Keep or store any volatile and inflammable product in any building or room in which a cleaning process is performed.

Application.

13301. An application for a license or permit shall be made at the office of the State Fire Marshal.

Blueprint:
When
petroleum
or coal tar
distillate
used.

13302. Every person who applies for a license to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is used a volatile, commercially moisture-free solvent of the petroleum or coal tar distillate type, shall submit for approval a blue print in quadruplicate to the State Fire Marshal at the time of application.

Contents of
blueprint.

13303. The blueprint, which shall not be greater than twenty-four by forty-two inches in size, shall show a plot plan, made to a scale of one-eighth of an inch to one foot, indicating:

- (a) The boundary lines and dimensions of the property devoted or to be devoted to the establishment.
- (b) Each street, alley, or easement adjacent to the property, together with its name and width.
- (c) The position of each existing or proposed building or structure on the property in relation to the lines of each adjacent street, alley, or easement, with all dimensions indicated.
- (d) The materials used or to be used in the construction of each existing or proposed building on the property, and used in the construction of each existing building on adjacent property.
- (e) The wall sections and openings in each existing or proposed building on the property, and in each existing building on adjacent property.

(f) The location, size, and materials used or to be used in the construction of the boiler room, and the type and horsepower of the boiler.

13304. The blueprint shall also show a three-eighths or one-half inch scale detail plan of each hazardous building and room, indicating: Same.

- (a) All major dimensions, including heights.
- (b) The sections and materials used in the construction of each wall, partition, roof, and floor.
- (c) The location and size of each door, window, and skylight opening.
- (d) The location of each wall vent and riser duct, and the arrangement of the ventilating system.
- (e) The run of all steam or other fixed fire extinguishing equipment, including the location of each outlet and control valve.
- (f) The arrangement of each operating apparatus and appliance, and the location of each motor.

13305. Every person who applies for a license to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is employed a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type, shall submit for approval a blueprint in quadruplicate to the State Fire Marshal at the time of application. Blueprint: When chlorinated hydrocarbon used.

13306. The blueprint, which shall not be greater than twenty-four by forty-two inches in size, shall show: Contents of blueprint.

- (a) A plot plan, made to a scale of not less than one-sixteenth of an inch to one foot, indicating any room or compartment to be used for cleaning, drying, and deodorizing in its relation to the boundary lines of the property on which the establishment is located, and its situation within any structure on the property.
- (b) A three-eighths or one-half inch scale drawing of the room or compartment, indicating its plan, elevations, and detail of construction.

13307. An agent who has been authorized in writing for the purpose may submit a blueprint in behalf of any person of whom it is required. In such case, the agent shall file his written authorization at the same time. Submission by agent.

13308. No license or permit shall be granted to any person unless the arrangement, materials, and construction shown on any blueprint required of, and submitted by, him have been approved by the State Fire Marshal. Approval.

13309. The approval of any blueprint shall become automatically null and void if any construction it authorizes is When approval void.

commenced subsequent to the expiration of sixty days from and after the date on which it is given, except when competent reasons for delaying the construction are presented to the State Fire Marshal in writing within that period.

Change in
execution.

13310. No person shall make any change in the execution of an approved blueprint design without the approval of the State Fire Marshal.

Investiga-
tion.

13311. Before he grants any license the State Fire Marshal shall make a thorough investigation into the fitness of the applicant to conduct a clothes cleaning establishment.

Refusal of
license.

13312. The State Fire Marshal may refuse to grant a license for any of the following causes:

(a) If any blueprint required of the applicant does not comply with the provisions of this article.

(b) If his investigation reveals that the building, room, or premises in or upon which the applicant proposes to operate a clothes cleaning establishment, the character of the applicant, or the applicant's ability to operate a clothes cleaning establishment, does not comply with the provisions of this chapter, or is such as will jeopardize, or will render the proposed establishment a menace to, the public welfare or safety.

Renewal
of license.

13313. Every person who desires to continue in business shall make an application to the State Fire Marshal for a renewal license on or before the first day of January of each year.

Fee.

13314. Every applicant for either an original or a renewal license shall pay a license fee of forty dollars to the State Fire Marshal at the time of making application.

Failure to
pay fee.

13315. The failure of any person to pay any fee prescribed and required of him by this article on or before the first day of January of each year in which he engages in business constitutes prima facie evidence of the violation of this chapter.

Disposition
of fees.

13316. All license fees shall be paid into the State treasury and credited to the State Fire Marshal's fund.

Contents
of license.

13317. Each license shall contain:

(a) The name of the licensee.

(b) If the licensee is an establishment which is, or will be, operated under a fictitious firm name, the fictitious firm name and the name of each individual owner of the establishment.

(c) A designation of the street and number of the premises in or upon which the licensee is, or will be, located.

Posting
license.

13318. Every licensee shall post his license in a conspicuous place in his establishment. He shall show it upon request

to an authorized representative of the State Fire Marshal or of any city or county fire department.

13319. No person shall establish or operate any clothes cleaning establishment under or by virtue of a license issued to or in the name of any other person. Operation under another's license.

13320. The State Fire Marshal shall, after giving a notice and affording a hearing, revoke a license to operate a clothes cleaning establishment, or any permit relating to the storage of a volatile and inflammable product, for any of the following causes: Revocation of license.

(a) If the licensee or permittee has violated, or has caused or permitted a violation of, any of the provisions of this chapter.

(b) If the licensee or permittee has operated his establishment, or caused or permitted it to be operated, in an unlawful or careless manner dangerous to persons or property.

13321. The notice shall be in writing and shall state: Notice.

(a) The ground of complaint against the licensee or permittee.

(b) The time and place of the hearing.

13322. It shall be served upon the licensee or permittee at least five days prior to the date of the hearing by any of the following methods: Service of notice.

(a) By delivery to the licensee or permittee.

(b) By delivery to the manager, agent, or representative of the licensee or permittee, or to any person in charge of or employed in the licensee's or permittee's establishment.

(c) By leaving the notice at the licensee's or permittee's establishment or residence with some person of suitable age and description.

13323. In any case where the notice is served upon the licensee or permittee by delivery to some other person, a copy of the notice shall be deposited in the United States post office, in a sealed envelope, postage prepaid, addressed to the licensee or permittee at his establishment. Mailing copy of notice.

13324. An order of the State Fire Marshal revoking a license is subject to a court review, but it shall not be set aside except upon the ground that the State Fire Marshal has exceeded his powers in making it or has been guilty of fraud in its use. Court review.

Article 4. Buildings, Equipment, and Operation.

13350. No person shall establish or operate a clothes cleaning establishment, except one in which is used exclusively in the process of cleaning or dyeing a product designated as non- Hazardous building: Performance of operations within.

combustible and nonexplosive by a laboratory nationally recognized as properly equipped to make the designation, unless all the processes of cleaning, dyeing, renovating, drying, deodorizing, and solvent storage and treatment are carried on in a hazardous building located, constructed, equipped and maintained pursuant to this article.

Rooms. 13351. A hazardous building may contain any combination of hazardous rooms.

Location. 13352. Unless otherwise provided in this article, no hazardous building shall be located less than twelve feet from any boundary line of, or any other building or structure on, the lot or premises upon which it is constructed.

Exception. 13353. A hazardous building may be located less than twelve feet from any boundary line of, or any other building or structure on, the lot or premises of any establishment which was in existence prior to August 2, 1927, if the establishment meets, or is made to meet, the requirements of this chapter.

Same. 13354. Where a boundary line is identical with a line of a street, alley, or irrevocable easement which is less than twelve feet in width, a hazardous building may be located nearer than twelve feet from that line, but not nearer than twelve feet from the opposite or remote line of the street, alley, or irrevocable easement.

Same. 13355. Where a boundary line is identical with a line of a street, alley, or irrevocable easement which is twelve feet or more in width, a hazardous building may be located on that line.

Same. 13356. In the case of a clothes cleaning establishment in existence and operated prior to August 27, 1937, distilling apparatus having a capacity of not more than three hundred gallons per hour may be installed and housed in an approved location and manner within a building or room which is nearer than twelve feet from any boundary line or from any other building or structure, but which in other respects complies with the provisions of this article relative to the construction and equipment of hazardous buildings.

**Construction:
Compliance
with best
practice.** 13357. A hazardous building shall be constructed in accordance with the best practice. An observance of the following requirements shall be considered prima facie evidence of compliance with the best practice:

(a) The requirements as to structural design, materials, and workmanship in the latest amended form of the uniform building code prepared by the Pacific Coast Building Officials Conference.

(b) The requirements of this article as to design, structural or other detail, or employment of materials, if such requirements vary from and are more rigid than those of the uniform building code.

(c) The requirements of any State law or regulation, or of any building code or ordinance of a municipality or other political division in which the building is to be located, if such requirements are more rigid than those of this article or of the uniform building code.

13358. A hazardous building shall not exceed one story in height, unless it was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date, in which case it shall be made to conform with the requirements of this article in so far as is physically possible.

Building height.

13359. No room in a hazardous building shall be less than ten feet in height from the floor level to the under side of the lowest point of the roof slab, unless:

Room height.

(a) The building was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date.

(b) The building was constructed since August 2, 1927, in accordance with a design approved prior to December 1, 1928.

13360. The foundations of a hazardous building shall not have a batter of less than sixty degrees from a horizontal plane, unless constructed of concrete with adequate metallic reinforcement.

Foundations.

13361. The floors of a hazardous building shall be constructed of concrete not less than four inches thick with a troweled, cement-top finish. They shall be laid directly upon the earth at an elevation at or above the adjacent ground level. There shall not be any basement or other open space under them, and they shall not contain any gutter, sump, pit, other depression, or sewer drainage connection.

Floors.

(Amended by Stats. 1939, Ch. 634.)

[ORIGINAL SECTION.]

13361. The floors of a hazardous building shall be constructed of concrete not less than four inches thick with a troweled, cement-top finish. They shall be level throughout, and shall be laid directly upon the earth at an elevation at or above the adjacent ground level. There shall not be any basement or other open space under them, and they shall not contain any gutter, sump, pit, other depression, or sewer drainage connection.

13362. The exterior and bearing walls of a hazardous building shall be constructed of brick not less than twelve inches thick, or of reinforced concrete not less than eight inches thick. Piers or columns shall be provided at concentrated loads or other points of structural necessity.

Walls: Exterior and bearing.

Exception. This section does not apply to the exterior and bearing walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than eight inches thick, or reinforced concrete not less than six inches thick, and are approved as to location and condition.

Additions or extensions. 13363. Any addition to or extension of an existing and approved exterior or bearing wall shall be thoroughly bonded to the wall, and shall be constructed of the materials and conform to the sections required in the construction of exterior or bearing walls of new buildings.

Interior division. 13364. Interior division walls, other than bearing walls, separating hazardous rooms shall be constructed of brick not less than eight inches thick, or of reinforced concrete not less than six inches thick.

Exception. This section shall not apply to the interior division walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than six inches thick, and are approved as to location and condition.

Additions or extensions. 13365. Any addition to or extension of an existing and approved interior division wall shall be thoroughly bonded to the wall, and shall be constructed of the materials required in the construction of interior division walls of new buildings.

Wall height. 13366. Interior division walls separating hazardous rooms, and all partitions in a hazardous building, shall extend from the floor level to the under side of the roof construction.

Partitions. 13367. Partitions or other similar interior construction in a hazardous building shall be constructed entirely of incombustible materials which shall be installed in an approved manner.

Roof. 13368. The roof of a hazardous building shall be of a flat type, and of reinforced concrete designed for a live load of thirty pounds per square foot of horizontal projection.

Every steel girder or beam, and all reinforcing steel in a concrete girder, beam, or slab, used in connection with the roof shall be protected with concrete.

There shall be no concealed roof space.

The bottom of a roof slab shall form the ceiling of the room over which the slab is placed.

13369. The roofing of a hazardous building may be com- Roofing.
posed of either of the following combinations of material:

(a) Asphalt and asphalt-saturated rag felt, with the exposed surface protected with roofing gravel.

(b) Asphalt and asphalt-saturated asbestos.

All roofing shall be applied in a workmanlike manner.

13370. Except for openings for doors, windows, and vents Openings.
having approved fire protection in an exterior wall, and for vent ducts, piping, and shafting in an exterior wall, an interior division wall, or a partition, there shall be no opening in any exterior wall of a hazardous building, nor in any interior division wall or partition separating hazardous rooms.

The clearance at a permissible opening shall not exceed one-quarter of an inch.

13371. Every door opening in a hazardous building shall Door
opening.
be at least three feet in width. It shall lead directly to an area open to the sky, which shall afford a continuous, unobstructed means of safe egress from the building. An awning or roof of an approved design may be installed over this area. Any existing awning or roof which does not meet with the approval of the State Fire Marshal shall be removed, remodeled, reconditioned, or relocated.

(Amended by Stats. 1939, Ch. 634.)

[ORIGINAL SECTION.]

13371. Every door opening in a hazardous building shall be at least three feet in width, and shall be constructed without a raised sill. It shall lead directly to an area open to the sky, which shall afford a continuous, unobstructed means of safe egress from the building. An all-metallic awning or roof of an approved design may be installed over this area. Any existing awning or roof which does not meet with the approval of the State Fire Marshal shall be removed, remodeled, reconditioned, or relocated.

13372. A fire door protecting an exterior opening in a haz- Fire doors:
Character.
ardous building may be either sliding, hinged, or rolling, and shall be constructed and hung in accordance with the best practice. An observance of the latest amended form of the regulations of the National Board of Fire Underwriters and of the supplementary regulations of the Board of Fire Underwriters of the Pacific shall be considered prima facie evidence of compliance with the best practice.

Every fire door shall be so arranged that it can be opened readily from either side.

13373. Every door locking device installed for a fire door Lock.
shall be of a kind that can be operated from the exterior side of the door.

13374. A standard-sized sliding fire door shall have at Links.
least three fusible links. A hinged, rolling, or oversized fire door shall have more than three fusible links.

Wash room
doors.

13375. Every wash room shall have at least two doors, which shall be located as far from each other as is practicably possible.

Window
openings.

13376. Every window opening in a hazardous building shall be fitted with approved solid-steel sash, and with one-quarter inch wire glass, which shall be back puttied and held in place with metallic glazing strips.

Every ventilator in the sash shall be pivoted to insure automatic closing, and shall be controlled by a fusible link.

Skylights.

13377. Hinged skylights of an approved character shall be placed in the roof of each hazardous room. They shall occupy an area equal to at least one-eighth of the floor area of the room, and shall be constructed with galvanized iron frames and sash of not less than No. 24 U. S. Standard gauge. The skylights shall be so arranged that they will open under pressure in case of an explosion and will close automatically thereafter.

Ventilation:
Wall vents.

13378. Approved wall vents, designed, detailed, and constructed in accordance with the specification on file in the office of the State Fire Marshal, shall be placed in the exterior walls of a hazardous building. There shall be one vent for each six lineal feet of the total external dimensions of the building, less one vent for each door opening, but in no case shall there be fewer than two vents for each hazardous room. The vents shall be so located as to provide an ingress of air at the corners of each hazardous room, and at equally spaced distances between such corners.

Fan exhaust
system.

13379. A power-driven fan exhaust system of ventilation shall be installed for every hazardous building. It shall be designed and operated to produce a complete change of air in each room of the building once every three minutes, and shall be operated continuously while any part of the building is in operation.

The riser, branch, and main ducts of the system shall be constructed of galvanized iron of not less than No. 24 U. S. Standard gauge, but the lower three feet of each vertical riser duct shall be fabricated and installed in accordance with the approved standard detail on file in the office of the State Fire Marshal. The discharge outlet shall be located at a height of not less than one foot above the highest part of the building.

Heating
devices.

13380. Hot water or steam heating devices only may be installed or used in a hazardous building for heating purposes.

Lighting.

13381. No artificial light, except that produced by electricity, nor any open light, flame, or fire, shall be installed or used in a hazardous building.

13382. Every electrical conduit, fitting, or fixture in a hazardous building shall be of an explosion-proof type. Fixtures.

13383. Unless it is of an approved, explosion-proof type, no electrical switch, appliance, or motor shall be placed in a hazardous room. Motors.

13384. Every machine, appliance, or shaft in a hazardous building shall be grounded to a live water line with No. 10 gauge wire, run in rigid metallic conduit with approved connections. Grounding.

13385. Every electrical conduit, switch, fitting, fixture, or appliance, and every motor, machine, or shaft in a hazardous building shall be installed in accordance with the best practice. Installation of fixtures, etc.

An observance of the latest amended form of the National Electrical Code shall be considered prima facie evidence of compliance with the best practice.

13386. No machine, apparatus, appliance, or device shall be used in a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved by the State Fire Marshal. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated. Approval of machinery.

13387. Every circulation area for the use of an operator of any machine, apparatus, appliance, or device shall be at least three feet in width. However, a single tumbler or dust wheel may be installed in a room having an alined dimension three feet greater than the overall length of the tumbler or dust wheel. Area for use of machine operator.

13388. The boiler room of a clothes cleaning establishment shall be constructed of burned clay brick, burned clay tile, or reinforced concrete, and shall have a reinforced concrete roof. Boiler room construction.

No door opening in the room shall be located at a point less than twenty feet from the nearest door, wall vent, or ventilated window opening in a hazardous building, nor, except when operatively impossible, shall it be placed in a wall facing a hazardous building.

Fire doors and window sash in a boiler room shall meet the requirements of this article for fire doors and window sash in a hazardous building.

13389. Every clothes cleaning establishment shall be equipped with a fire extinguishing system of one of the following types: Fire extinguishing system.

- (a) A steam fire extinguishing system.
- (b) An approved carbon dioxide fire extinguishing system.
- (c) Any other system meeting with the approval of the State Fire Marshal.

Boiler.

13390. Every clothes cleaning establishment with a steam fire extinguishing system shall be equipped with a steam boiler having a capacity, in addition to that required for other uses in the establishment, of not less than one horsepower, according to the American Society of Mechanical Engineers or other standard rating, for each two hundred cubic feet, or fraction thereof, of the cubic content of the largest hazardous room in the establishment.

Boiler
steam
pressure.

13391. A steam pressure of not less than fifty pounds per square inch shall be maintained in the boiler while operations are being carried on in any hazardous room of the establishment.

Steam
lines.

13392. There shall be installed:

(a) A steam line with an internal diameter of not less than one and one-half inches, leading from the boiler to the hazardous building.

(b) In each hazardous room a dry steam line with an internal diameter of not less than one and one-quarter inches, and with not less than one approved open nozzle for each five hundred cubic feet, or fraction thereof, of the cubic content of the room.

Control of
steam
release.

13393. The release of steam from the steam fire protection system shall be controlled by approved quick-acting valves, installed in approved locations outside the hazardous building.
(Amended by Stats. 1939, Ch. 634.)

[ORIGINAL SECTION.]

13393. The release of steam from the steam fire protection system shall be controlled by approved lever type, quick-acting valves, installed in approved locations outside the hazardous building.

Fire ex-
tinguishers.

13394. Approved chemical fire extinguishers shall be installed in every clothes cleaning establishment, in locations designated by the State Fire Marshal. They shall be discharged and recharged at least once every twelve months, and the date on which they are discharged and recharged shall be recorded on cards attached to them.

Asbestos
blanket.

Boat hook.

13395. An approved asbestos blanket, five feet ten inches in width by seven feet in length, hung and protected in an approved manner, and an approved boat hook, seven feet in length and without a pike point, shall be installed at the exterior of every hazardous building in approved locations.

"No smok-
ing" sign.

13396. Approved metallic "No Smoking" signs shall be installed in every hazardous building and in every area used for spotting and sponging in a clothes cleaning establishment, at locations designated by the State Fire Marshal.

13397. No person shall store, keep, or use any volatile and inflammable product in or upon the premises of a clothes cleaning establishment, unless all tanks or other containers, the system for the circulation and use of solvent, and all pumps, piping, fittings, sight glasses, valves, traps, and emergency dump or other devices employed in connection with the storage, circulation, or use are approved by the State Fire Marshal.

Storage of solvent.

13398. In any clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry-cleaning, the performance of all the dry-cleaning, drying, and deodorizing processes may be completed entirely within fluid-tight machines or apparatus vented to the open air at a point not less than eight feet from any window or other opening and so used and operated as to prevent the escape of fumes, gases or vapors into workrooms or work places.

Dry-cleaning and deodorizing in fluid-tight machines.

13399. Except when operations are performed as provided in section 13398 of this code, no person shall operate a clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry-cleaning unless:

Dry-cleaning and deodorizing in single room.

(a) All the dry-cleaning, drying, and deodorizing processes are performed in a single room or compartment.

(b) The dry-cleaning process is performed in fluid tight machines or apparatus.

13400. The room or compartment shall be completely inclosed except for necessary door and window openings to enable operators to carry on operations within, but without entering, the room or compartment. The doors shall be self-closing and shall not be left open.

Construction of room or compartment.

13401. The room or compartment shall be equipped with an approved system of mechanical ventilation that will completely change the air content at least once every two minutes while:

Ventilation.

(a) A dry-cleaning, drying, or deodorizing process is being performed.

(b) A solvent is exposed to the air in the room or compartment.

(c) Alterations, adjustments, or repairs are being made in the room or compartment.

The air shall be taken out of the room or compartment at the floor line, and shall be discharged to the open air at a point not less than eight feet from any window or other opening.

13402. No employee shall be permitted to enter the room or compartment except for the purpose of making necessary repairs, alterations, or adjustments.

Entry.

Wet-
washing.

13403. Approved processes of wet-washing are permitted in a hazardous building.
(Amended by Stats. 1939, Ch. 634.)

[ORIGINAL SECTION.]

13403. None of the processes of wet-washing shall be performed in a hazardous building.

Reports
of fires or
explosions.

13404. The owner, operator, or manager of a clothes cleaning establishment shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the establishment within twenty-four hours after the fire or explosion, on forms provided for that purpose.

Article 5. Violations.

Violations.

13450. Any person who commits any of the following acts is guilty of a misdemeanor:

- (a) Violates any provision of this chapter.
- (b) Violates or fails to comply with any order, rule, or regulation made pursuant to this chapter.
- (c) Constructs a clothes cleaning establishment in violation of a blueprint or statement submitted to and approved by the State Fire Marshal.
- (d) Violates the terms of any license or permit issued pursuant to this chapter.

Any person who commits more than one of the acts specified in this section is guilty of a separate misdemeanor for each such commission.

Continued
violation.

13451. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued.

Aiding
violation.

13452. Any person who aids or abets the owner, manager, or operator of a clothes cleaning establishment in the violation of any provision of this chapter is guilty of a misdemeanor.

Report of
violation.

13453. The State Fire Marshal shall submit to the district attorney any evidence relating to:

- (a) A violation of any provision of this chapter.
- (b) Aiding or abetting any owner, manager, or operator of a clothes cleaning establishment to violate any provision of this chapter.

Prose-
cution.

13454. Upon the receipt of any evidence relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator.

(Amended by Stats. 1939, Ch. 634.)

[ORIGINAL SECTION.]

13454. Upon the receipt of any evidence relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator in the superior court.

CHAPTER 3. SPOTTING, SPONGING, AND PRESSING ESTABLISHMENTS.

Article 1. Definitions and General Provisions.

13501. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter. Definitions.

13502. "Dry-cleaning" means the process of freeing wearing apparel, feathers, furs, hats, fabrics, or textiles from grease, dirt, spots, stains, or discolorations by the use of a volatile, commercially moisture-free solvent, applied either manually or by means of a mechanical appliance. "Dry-cleaning."

13503. "Spotter and sponger" means any person who removes spots, stains, or other discolorations from wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning medium applied manually. "Spotter and sponger."

13504. "Presser" means any person who renovates wearing apparel, feathers, furs, hats, fabrics, or textiles by means of ironing, performed either manually or by the use of a mechanical appliance. "Presser."

13505. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment" mean any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a press shop or furrier, but excluding any clothes cleaning establishment, equipped to perform, in whole or in part, a spotting, sponging, dry-cleaning by local application, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment."

13506. "Private school or college of spotting, sponging, or pressing" means any establishment in which individuals are taught the operations or processes employed in the spotting, sponging, dry-cleaning by local application, or pressing or other finishing of wearing apparel, feathers, furs, hats, fabrics, or textiles, whether gratuitously, for a charge or fee, or in exchange for services. "Private school or college of spotting, sponging, or pressing."

13507. "Clothes cleaning establishment" and "cleaning and dyeing establishment" mean any premises, building, room, instrumentality, or establishment commonly known to the trade as a cleaning plant or cleaning and dyeing plant, equipped to perform the service of dry-cleaning by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent. "Clothes cleaning establishment" and "cleaning and dyeing establishment."

"Service outlet."

13508. "Service outlet" means any premises, building, room, shop, store, instrumentality, or establishment in, upon, or through which a spotting, sponging, dry-cleaning, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles is sold or bartered, or offered for sale or barter, or made an obligation or condition of a sale or barter, directly to the public.

"Service inlet."

13509. "Service inlet" means any premises, building, room, shop, store, instrumentality, or establishment used for collecting or receiving wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry-cleaning, or pressing or other finishing service is to be performed.

Evidence of existence of service inlet or outlet.

13510. Any advertisement of the service of spotting, sponging, or pressing constitutes prima facie evidence that the premises, room, shop, store, instrumentality, or establishment in or upon which it appears, or to which it refers, is a service outlet or inlet.

"Agency."

13511. "Agency" means any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or second-hand clothing shop, upon, in, or through which is conducted, maintained, or operated a service outlet or inlet for a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, a clothes cleaning establishment, or a cleaning and dyeing establishment.

Verification of ownership.

13512. The ownership of an agency shall be verified under oath when required by the State Fire Marshal.

"Instrumentality."

13513. "Instrumentality" includes any vehicle or means of locomotion employed in the collection or delivery of wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry-cleaning, or pressing or other finishing service is to be, or has been, performed.

"Volatile and inflammable product."

13514. "Volatile and inflammable product" means any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion.

"Volatile, commercially moisture-free solvent."

13515. "Volatile, commercially moisture-free solvent" includes any solvent of the petroleum distillate, coal tar distillate, or chlorinated hydrocarbon type.

"Fire nuisance."

13516. "Fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized

as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire.

13517. "Approved" means approved by the State Fire Marshal. "Approved."

13518. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants. "Operate."

13519. Any application, fee, or penalty required by or specified in this chapter shall be filed or paid at the office of the State Fire Marshal. It shall not be incumbent upon the State Fire Marshal to issue any notification in regard to the filing or payment. Filing application, payment of fee, etc.

13520. The provisions of this chapter do not apply to any store whose major business is selling merchandise and which is not engaged in cleaning, dyeing, spotting, sponging, or pressing as an occupation for gain, but which performs a process of cleaning, dyeing, spotting, sponging, or pressing only in order to renovate wearing apparel or other goods which have become soiled or stained in transit from the manufacturer, or which have subsequently become shopworn, soiled, or stained. Exemption.

Article 2. Administration.

13550. The State Fire Marshal shall enforce and administer the provisions of this chapter. Enforcement.

13551. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter, and shall prescribe their duties. Employees.

13552. The State Fire Marshal shall formulate such rules, orders, and regulations as may be necessary to: Rules and regulations.

(a) Promote fire prevention in spotting, sponging, or pressing establishments, and in private schools or colleges of spotting, sponging, or pressing.

(b) Carry out the provisions of this chapter.

13553. Pending a hearing thereon, the State Fire Marshal shall abate any fire nuisance upon any property or premises used as: Abatement of fire nuisances.

(a) A cleaning and dyeing shop or store.

(b) A spotting, sponging, or pressing establishment.

(c) A unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry-cleaning by local application, or pressing.

(d) An agency of any shop, store, or establishment mentioned in this section.

(e) A private school of spotting, sponging, or pressing.

The cost of an abatement is assessable against the owner, lessee, or occupant of the property or premises.

Inspection.

13554. The State Fire Marshal, or his deputies or assistants, shall enter and inspect the following establishments during customary business hours, or at any time when they are in operation, for the purpose of enforcing this chapter:

(a) Spotting, sponging, or pressing establishments, or agencies thereof.

(b) Private schools or colleges of spotting, sponging, or pressing.

(c) Agencies of clothes cleaning establishments.

The owner, lessee, manager, or operator of any such establishment shall permit the State Fire Marshal, or his deputies or assistants, to enter it at the times and for the purpose stated in this section.

Article 3. Licenses and Registration.

Certificate of registration and license required.

13600. No person shall establish a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, unless he has first made application to and obtained a certificate of registration and a license therefor from the State Fire Marshal.

Agency license.

13601. No person shall establish an agency of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, or of a clothes cleaning establishment, unless he has first made application to and obtained a license therefor from the State Fire Marshal.

Application.

13602. Every person who desires to engage in the business of spotting, sponging, or pressing, or of conducting a private school of spotting, sponging, or pressing, shall first apply to the State Fire Marshal, upon a form prepared by the latter, for an investigation and examination.

Fee.

The application shall be accompanied by the fee for investigation and examination required by this chapter, which fee shall be forfeited if the applicant fails to pass successfully the investigation and examination.

Verification and contents of application.

13603. The application shall be verified under oath when required by the State Fire Marshal, and shall contain proof of the applicant's eligibility for registration and a license.

Evidence of knowledge, etc.

13604. The applicant shall submit evidence showing that:
(a) He possesses a competent knowledge of the business in which he desires to engage and of the fire preventive measures usual and necessary in the conduct of the business.

(b) He has the character, ability, and fitness to maintain and conduct the business without unduly increasing the menace of fire to the public or otherwise jeopardizing the public welfare.

13605. The State Fire Marshal shall make a thorough investigation and examination of the character of the applicant, and of his knowledge of, and ability and fitness to maintain and conduct, the business in which he desires to engage.

13606. A certificate of registration, and a license for the license period in which the investigation and examination is made, shall be issued to every applicant who passes the investigation and examination upon the payment of the annual license fee required by this chapter. Any applicant who fails to pass the investigation and examination is eligible for re-investigation and reexamination after the expiration of ninety days, upon reapplication and payment of the fee for investigation and examination.

13607. Not later than the first day of July in each year, every person who operates any of the following establishments shall make written application to the State Fire Marshal, upon a blank to be prepared by the latter, for a license:

(a) A cleaning and dyeing shop or store, or any agency thereof.

(b) A spotting, sponging, or pressing establishment, or any agency thereof.

(c) An agency of a clothes cleaning establishment.

(d) A private school or college of spotting, sponging, or pressing.

The application shall be accompanied by the annual license fee required by this chapter.

13608. Every person who operates a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall, in his application for registration and license, state the capacity of each tank or other container used by him for the storage of gasoline.

13609. Every vehicle instrumentality shall be registered with the State Fire Marshal, and shall be identified by a numbered license plate, to be issued by the State Fire Marshal, which shall be attached to the vehicle in a conspicuous location.

13610. A duplicate of any certificate of registration, license, or license plate which has been lost or destroyed shall be issued to the person entitled to the certificate, license, or

plate upon his sworn statement of the loss or destruction and the payment by him of the fee for a duplicate required by this chapter.

Posting
license.

13611. Every licensee shall post his license in a conspicuous location, which shall be easily accessible to the public, in his shop, store, establishment, instrumentality, school, or college.

Inspection of
registration
certificate.

13612. The holder of a certificate of registration shall submit it for inspection upon the request of the State Fire Marshal, or of a deputy or assistant State Fire Marshal.

Suspension
or revocation
of license.

13613. After giving the interested person a five days' notice in writing and affording him an opportunity to be heard, the State Fire Marshal may refuse to issue or renew, or may suspend or revoke, any certificate of registration or license for any of the following causes:

(a) Obtaining, or attempting to obtain, a certificate of registration or license by fraudulent misrepresentations.

(b) Unlawful conduct or practices, including failure to observe the requirements of municipal ordinances concerning dry-cleaning.

(c) The violation of any of the provisions of this chapter.

Notice.

13614. The notice shall contain a brief statement of the reasons for the contemplated action of the State Fire Marshal, and shall designate a proper time and place for hearing all interested parties before any final action is taken.

Service
by mail.

13615. Notice shall be deemed to have been given when the State Fire Marshal shall have placed in a United States post office a copy of the notice addressed to the applicant or licensee affected at his designated place of business or last known residence.

Court
review.

13616. Any decision of the State Fire Marshal denying, suspending, or revoking any certificate of registration or license pursuant to this chapter is subject to review in accordance with law.

Article 4. Fees and Penalties.

Annual
license fee.

13650. Every annual license fee shall be due and payable not later than the first day of July of each year.

Failure
to pay.

13651. The failure to pay any annual license fee required by this chapter on or before the first day of July of each year, or when it is otherwise due and payable, constitutes prima facie evidence of the violation of this chapter.

Period
covered.

13652. Each annual license fee shall cover a license period from the first day of July in any year to the thirtieth day of

June in the following year, or any portion of any such license period during which the shop, store, establishment, agency, school, or college is operated, regardless of the date when the fee is paid.

13653. No annual license fee shall be required in the case of a vehicle instrumentality which is wholly owned by the proprietor of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a clothes cleaning establishment, and is operated by a regular salaried employee of the proprietor under a contract terminable on not less than four months' notice, if statements as to the ownership of the vehicle and the contract of employment, sworn to by the proprietor before a notary, are filed with the State Fire Marshal. When not required.

13654. All moneys collected pursuant to this chapter shall be paid into the State treasury and credited to the State Fire Marshal's fund. Disposition of moneys.

13655. The fees required by this chapter are those fixed by the following schedule: Fee schedule.

(a) The application fee for investigation and examination is ten dollars.

(b) The annual license fee for each cleaning and dyeing shop or store, and for each spotting, sponging, or pressing establishment, is six dollars.

(c) The annual license fee for each agency is six dollars.

(d) The annual license fee for each private school or college of spotting, sponging, or pressing is two hundred and fifty dollars.

(e) The fee for a duplicate certificate of registration, license, or license plate is one dollar.

13656. If the annual license fee required of any person who operates a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or any agency of either, is not paid on the date when it is due and payable, a penalty shall be added to the fee in accordance with the following schedule: Delinquent payment: Penalty.

(a) Fifty cents, if it is paid within a period of thirty days from and after the date it is due and payable.

(b) One dollar and fifty cents, if it is paid within a period of thirty-one to sixty days from and after the date when it is due and payable.

(c) Three dollars, if it is paid subsequent to the expiration of sixty-one days from and after the date when it is due and payable.

13657. If the annual license fee required of any person who operates a private school or college of spotting, sponging, or pressing is not paid on the date when it is due and pay- Same: School or college.

able, a penalty shall be added to the fee in accordance with the following schedule:

(a) Twenty dollars, if it is paid within a period of thirty days from and after the date when it is due and payable.

(b) Sixty dollars, if it is paid within a period of thirty-one to sixty days from and after the date when it is due and payable.

(c) One hundred and twenty-five dollars, if it is paid subsequent to the expiration of sixty-one days from and after the date when it is due and payable.

Article 5. Operation and Management.

Person in
charge:
Cleaning
and dyeing
shop, etc.

13675. No person shall operate a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or any unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry-cleaning by local application, or pressing, unless a registered spotter, sponger, and presser is in, and in charge of, the shop, store, establishment, unit, or department.

School or
college.

13676. No person shall operate a private school or college of spotting, sponging, or pressing, unless the owner, manager of, and the instructors in, the school or college are registered spotters, spongers, and pressers.

Agency.

13677. No person shall keep, store, or use any volatile, commercially moisture-free solvent, or install any spotting, sponging, or pressing appliance for commercial usage, in or upon the premises of any agency, unless a registered spotter, sponger, and presser is in, and in charge of, the agency.

Separation
of rooms.

13678. Every room or place used as an office, showroom, workroom, or storeroom of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, shall be completely separated from every other room or place used for cooking, eating, sleeping, or other domestic functions by a partition or partitions, the openings in which shall be equipped with doors or glazed sash, or both. No person shall cook, eat, sleep, or engage in any other domestic function in any such office, showroom, workroom, or storeroom.

Sanita-
tion, etc.

13679. Every office, workroom, storeroom, or other room or place in which any of the processes of spotting, sponging, or pressing are performed, or in which any wearing apparel, feathers, furs, hats, fabrics, or textiles are kept or stored, and every roof, yard, court, passage, or other area in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any

such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall at all times be kept in good repair, free from any accumulation of dirt or debris that may constitute or give rise to a fire nuisance, and in an orderly, clean, and sanitary condition as to floors, walls, ceilings, windows, doors, woodwork, machinery, apparatus, utensils, fixtures, and furnishings.

Every office, workroom, storeroom, or other room or place specified in this section shall be adequately lighted and ventilated either by natural or mechanical means. The State Fire Marshal shall require the lighting and ventilation to comply with the accepted standards for industrial plants similar to those subject to this chapter.

Lighting
and venti-
lation.

13680. Any drying room, cabinet, or other appliance used for the purpose of drying or deodorizing in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be located, constructed, installed, ventilated, and operated in a manner meeting with the approval of the State Fire Marshal.

Drying or
deodorizing
appliances.

13681. No machine, apparatus, appliance, or device shall be used in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated.

Approval of
installations.

13682. No person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than eight pounds in the aggregate of viscous, powdered, or solid volatile and inflammable products or substances. Any such products or substances in excess of one pound shall be kept or stored in approved safety containers.

Storage,
etc., of
volatile and
inflammable
products.

13683. Except as otherwise provided in section 13684 of this code, no person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than one gallon in the aggregate of volatile, commercially moisture-free

Storage,
etc., of
certain
solvents.

solvents of the petroleum distillate or coal tar distillate type. Any such solvent in excess of one pint shall be kept or stored in approved safety cans.

Storage of gasoline.

13684. Gasoline for use in automotive vehicles or for approved purposes may be kept and stored in an approved, specified quantity in excess of one gallon in an approved manner and in an underground location on the premises of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, with the written permission of the State Fire Marshal.

Fire nuisance.

13685. No person shall maintain, permit, or allow a fire nuisance to exist upon any property or premises owned, leased, or occupied by him as a cleaning and dyeing shop or store, as a spotting, sponging, or pressing establishment, as a unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry-cleaning by local application, or pressing, as an agency of any such shop, store, or establishment, or as a private school or college of spotting, sponging, or pressing, after he is notified in writing by the State Fire Marshal to remove, discontinue, or abate it.

Service outlet or inlet.

13686. No person shall operate a service outlet or inlet in connection with a private school or college of spotting, sponging, or pressing.

Reports:
Change in ownership,
etc.

13687. Any change in the location or ownership of a shop, store, establishment, instrumentality, school, or college subject to the provisions of this chapter shall be reported, in writing, at the office of the State Fire Marshal within forty-eight hours after the change by the person who is owner after the change.

Fire or explosion reports.

13688. The owner, operator, or manager of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry-cleaning by local application, or pressing, of any agency of any such shop, store, or establishment, or of a private school or college of spotting, sponging, or pressing, shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the shop, store, establishment, agency, school, or college within twenty-four hours after the fire or explosion, on forms provided for that purpose.

Purchases.

13689. A report of all volatile and inflammable products or substances purchased by, and delivered to the premises of,

a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be sent to the office of the State Fire Marshal every thirty days on forms furnished by the State Fire Marshal.

Article 6. Violations.

13725. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. Penalty.

13726. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued. Continued violation

13727. No person shall aid or abet the owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, or of any agency of a clothes cleaning establishment, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing, in violating any of the provisions of this chapter. Aiding violation.

(Amended by Stats. 1939, Ch. 635.)

[ORIGINAL SECTION.]

13727. No person shall aid or abet the owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing, in violating any of the provisions of this chapter.

13728. The State Fire Marshal shall submit to the district attorney any evidence relating to: Report of violations.

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, or of any agency of a clothes cleaning establishment, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing to violate any provision of this chapter.

(Amended by Stats. 1939, Ch. 635.)

[ORIGINAL SECTION.]

13728. The State Fire Marshal shall submit to the district attorney any evidence relating to:

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing to violate any provision of this chapter.

Prosecu-
tion.

13729. Upon the receipt of any information relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator.

(Amended by Stats. 1939, Ch. 635.)

[ORIGINAL SECTION.]

13729. Upon the receipt of any information relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator in the superior court.

PART 3. FIRE PROTECTION DISTRICTS.

CHAPTER 1. FIRE PROTECTION DISTRICTS IN UNINCORPORATED AREAS.

Article 1. General Provisions.

"District."

14001. "District," as used in this chapter, means a district created pursuant to this chapter or pursuant to any act which it supersedes.

"District
board."

14002. "District board," as used in this chapter, means the board of fire commissioners of a district.

Exemption
from
Stats. 1933,
p. 2142.

14003. Districts formed or proposed to be formed under this chapter are not subject to any provisions of the "District Investigation Act of 1933."

(Amended by Stats. 1939, Ch. 222.)

[ORIGINAL SECTION.]

14003. Districts formed or proposed to be formed under this chapter are not subject to section 4 of the "District Investigation Act of 1933."

Noncom-
pliance
with
chapter.

14004. No assessment or act relating to the assessment or collection of taxes, nor any election held under this chapter, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this chapter, nor on account of any misnomer.

Area that
may be
organized.

14005. Any unincorporated area of this State may be organized as a fire district and may equip and maintain a fire department for the purpose of protecting property from destruction by fire.

Proceedings
re validity.

14006. Any proceeding in which the validity of the organization of a district is questioned shall be commenced within three months from the date of the first appointment of members of the district board; otherwise such organization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

Organization
validated.

14007. Any district which has functioned as such, or for which taxes have been collected, for a period of three years is validly organized.

14008. Where any portion of a district less than the whole, becomes a part of any city, that fact shall not affect the organization of the district, but the district continues to function as if that portion were not a part of any city, unless the district is dissolved or all or part of such territory is withdrawn from the district pursuant to this chapter.

Addition
to city.

14009. Any justice of the peace within the townships within which a district is situated has jurisdiction of all prosecutions under this chapter.

Prosecu-
tions:
Jurisdiction.

Article 2. Petition and Hearing.

14025. Fifty or more taxpayers and residents of any unincorporated area may petition the board of supervisors of the county in which the area is situated for the formation of a fire protection district.

Petition.

14026. The board of supervisors shall fix the time for hearing and give notice by two publications in a newspaper published in the county, if there is one, if not, by posting the notice in three public places in the county.

Notice.

14027. The first publication or the posting shall be not less than ten days before the time fixed for hearing.

Publication
or posting.

14028. Any interested person may appear at the hearing and show cause why the application should not be granted.

Protests.

14029. After hearing the board of supervisors may in its discretion grant the application and if it does so, shall determine the boundaries of the district.

Grant of
application.

Article 3. The Board of Fire Commissioners.

14050. The board of supervisors shall appoint three commissioners as the board of fire commissioners of the ----- fire district (naming district), who shall hold their office until the second Monday in April next thereafter, and until their successors are elected and qualified.

First com-
missioners.

14051. An election shall be held on the first Monday of April subsequent to the appointment of the district board by the board of supervisors for the election of three members who shall take office on the next succeeding Monday of the same month.

First
successors:
Election.

14052. The first elected members of the district board shall at their first meeting so classify themselves by lot that one of their number goes out of office on the second Monday of April of the year next succeeding, one on the second Monday of April of the second year succeeding, and one on the second Monday of April of the third year succeeding.

Terms.

Subsequent successors: Election and terms. 14053. On the first Monday of April of the year next succeeding the first election and on the first Monday of April of every year thereafter, an election shall be held for the election of one member, who shall take office on the next succeeding Monday in the same month and shall hold office for the term of three years, or until his successor is elected and qualified.

Vacancies. 14054. Any vacancy in the office of a member elected to the board shall be filled by appointment by the board of supervisors for the period until the next general election within the district at which time a successor shall be elected to serve for the unexpired term.

Compensation. 14055. Members of the district board shall not receive any compensation for their services as such.

Article 4. General Powers and Duties.

Perpetual succession. 14073. The district board shall have perpetual succession.

Contracts. 14074. It may make all necessary or convenient contracts with persons engaged in the supply and distribution of water, for a supply of water, and for attaching hydrants or fire plugs to their pipes, conduits, or cisterns.

Equipment. 14075. The district board shall purchase and maintain all necessary and convenient engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department, and appoint fire company officers and employees sufficient to maintain and operate equipment purchased for such district.

(Amended by Stats. 1939, Ch. 496.)

[ORIGINAL SECTION.]

14075. The district board shall purchase all necessary and convenient engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department.

Seal. 14076. It may adopt a seal.

Property. 14077. It may take by grant, purchase, gift, devise, or lease, and hold, use, enjoy, and lease, or dispose of real and personal property of every kind, necessary for the exercise of the powers of the district.

Buildings. 14078. It may construct or otherwise acquire suitable fire-houses and other buildings or structures suitable for housing the equipment, apparatus and supplies of the district, or for carrying on its business and affairs. All property shall be taken and held in the name of the district.

Disposition of property. 14079. The district board may sell, or otherwise dispose of real and personal property acquired by the district where it has ceased to be suitable for the uses of the district.

14080. If the property was originally acquired pursuant to the vote of the voters within the district, it shall not be sold except pursuant to a like vote.

14081. The proceeds derived from the sale of land or property shall be exclusively devoted to the purchase of other land or like property for the use of the district. Proceeds of sale.

14082. The district board may procure all necessary books and blanks for the purpose of keeping a correct record of its proceedings; and shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection at all times. Books and records.

14083. It may regulate the construction of, and order the suspension, discontinuance, removal, repair, or cleaning of, fireplaces, chimneys, stoves, and stovepipes, flues, ovens, boilers, kettles, forges or any apparatus used in any building, factory, or business, which may be dangerous in causing or promoting fires, and prescribe limits within which no dangerous or obnoxious and offensive business may be carried on. Regulation of fire hazards.

14084. It may order the clearing of land or the removal of dry grass, stubble, brush, rubbish, litter, or other inflammable material, if, in its judgment, the inflammable material endangers the public safety by creating a fire hazard. Land clearance.

14085. It may adopt ordinances, within the purview of the preceding two sections, to prevent fires and conflagrations, and for the protection of property at and during any fire. Ordinances: Nature.

14086. Each ordinance shall be signed by the members of the district board, and published in a newspaper printed in the district, or posted in three of the most public places in the district, for a period of two weeks, at the end of which time it shall become a law for the government of the inhabitants of the district. Procedure for adoption.

14087. Every person who violates any of the provisions of a district ordinance or who falsely personates a member of the district board or any officer of a district is guilty of a misdemeanor. Violation.

(Amended by Stats. 1939, Ch. 496.)

[ORIGINAL SECTION.]

14087. Every person who violates any of the provisions of a district ordinance or who falsely personates a member of the district board is guilty of a misdemeanor.

14088. The district board may provide that at and during any fire the officers of the fire company or companies present shall have the powers of peace officers. Peace officer powers.

other powers. 14089. The district board shall do all other things proper and necessary to carry out the intent and meaning of this chapter.

Article 5. Provisions Relating to Elections.

Elections: Generally. 14100. The district board shall call elections, appoint judges and clerks, canvass the votes, and issue certificates of election.

Nature. 14101. Elections may be general or special.

Notice: Publication and posting. 14102. Elections within a district may be called by the district board by posting notices of election in three of the most public places in the district for not less than ten days before the date fixed for the election, and also, if there is a newspaper printed and published in the district, by publishing such notice in at least two issues of the paper.

Contents. 14103. The notice shall specify the time and place for holding the election and set forth in general terms the purposes of the election.

Precinct boards. 14104. The district board shall appoint precinct boards which shall consist of one inspector, one judge, and two clerks.

Precincts. 14105. The district board shall designate the precincts for the election, if there is more than one, and for such purpose may consolidate any county precincts into such number as it deems advisable.

Polling places. 14106. The district board may fix the polling place and the hours within which the polls at such election shall be open.

Opening and closing polls. 14107. The polls shall be open either (a) for a period from not later than eight o'clock a.m. to not earlier than five o'clock p.m. of the day of the election; or (b) from one o'clock p.m. to six o'clock p.m. on the day of the election.

Registration. 14108. No new registrations shall be required.

Election law. 14109. Elections shall be held in all respects as nearly as practicable in conformity with the provisions of law governing elections in cities of the sixth class.

Ballots. 14110. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities. Sample ballots need not be mailed for elections on propositions.

Expense. 14111. The expense of elections on propositions shall be a charge against the district.

14112. The judges on each precinct board shall, within twenty-four hours after the election, make returns and certify to the district board the number of votes cast, and the number of votes in favor of and the number of votes against the matter voted upon. Returns.

14113. The judges on each precinct board shall, within twenty-four hours after the election, make returns and certify the votes, and the names of the person or persons voted for, to the district board, and within five days after the returns have been received by it the district board shall count the votes, determine who has been elected, and issue certificates of election to the persons elected. Canvass of returns, etc.

Article 6. Finance and Taxation.

14150. The district board may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year thereafter. Such indebtedness shall not exceed the total amount of the estimated tax income for either the current year or the ensuing year. Indebtedness.

14151. After the organization of a district, the district board shall call an election and submit to the voters residing within the district, the question whether a tax shall be levied and raised for the purpose of establishing and equipping a fire department for the district and for protecting the district from loss by fire. Tax for establishing fire department.

14152. The district board shall estimate and determine the annual amount of money required for the maintenance of the fire department and report it to the board of supervisors not later than the first day of August of each year. Annual tax: Estimate of money needed.

14153. The board of supervisors shall, at the time of levying county taxes, levy a tax upon all the taxable property within the district sufficient to defray the cost of the maintenance of the district, and of making other authorized expenditures in connection with the district. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for the use of the district. Levy and collection.

14154. A special tax may be levied upon the property within the district if authorized by a majority vote of the voters voting on the proposition for a special tax at the annual election or at a special election called by the district board for the purpose. Special taxes.

14155. Special taxes are in addition to the annual maintenance tax. Same.

Same. 14156. A special tax may be voted for the purpose of acquiring land or erecting buildings or purchasing apparatus and equipment or buildings or for paying indebtedness of the district previously incurred.

Tax money:
Custody. 14157. All money derived from taxes authorized to be levied and collected, shall be kept by the treasurer of the county in which a district is situated, subject only to the order of the district board.

Compensation. 14158. The treasurer shall receive no compensation for the receipt and disbursement of money of the district.

Payment of
bills, etc. 14159. All accounts, bills, and demands against the fire department shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. The county treasurer shall pay the warrants in the order in which they are presented.

Article 7. Contracts with Cities.

Contracts
with cities. 14200. When the respective territories of any city and any district are contiguous they may contract, for one year or more, for fire protection service by the district throughout or within part of the area of the city.

Formalities. 14201. The contract shall be in writing and shall be set forth in full in the minutes of the respective governing bodies of the contracting parties and a duplicate original shall be filed with the records of the district in the office of the county clerk.

District is
independent
contractor. 14202. Upon the filing of the contract the district shall be an independent contractor.

Effect of
contract. 14203. During the term of the contract, without in anywise curtailing the rights, powers and duties of the city, the area covered by the contract shall be construed as part of the district territory for all fire protection purposes under this chapter.

Payments. 14204. At the option of the parties to the contract, in lieu of the assessment and collection of taxes by the district upon the city area included within the district, the contract may provide for fixed payments of agreed amounts by the city to the district.

City of
sixth class
may main-
tain fire
fighting
system. 14205. Any city of the sixth class all or part of which is included within the boundaries of a district may if it desires provide for acquiring and maintaining fire fighting implements, apparatus and equipment, including water mains, hydrants and water, in addition to those acquired and main-

tained therein by the district. The city may defray the cost of acquiring and maintaining such additional fire fighting implements, apparatus and equipment from the general tax revenues of the city and may contract with the district regarding the acquisition, maintenance and use thereof.

(Added by Stats. 1939, Ch. 417.)

Article 8. Inclusion of Contiguous Territory.

14225. Territory contiguous to any district and in the same county may be included in the fire limits of the district in the manner prescribed in this article. Inclusion of contiguous territory.

14226. As used in this article, "contiguous" means touching at one or more points. "Contiguous" defined.

14227. Owners of real property in contiguous territory, which represents at least seventy-five per cent of the total assessed valuation of the contiguous territory, as shown by the last equalized assessment roll of the county in which the district is located, may petition for inclusion of the territory within the district. Petition: Who may file.

14228. The petition shall designate specifically the boundaries of the contiguous territory, its total assessed valuation and the amount and assessed value of real property owned by each of the petitioners as shown by the last equalized assessment roll of the county in which the property is situated, and shall state that the territory is not within the fire limits of any other fire district. Contents.

14229. The petition shall also be signed by the district board and shall be presented to the county board of supervisors. Presentation.

14230. The petition shall be verified by the affidavit of one of the petitioners and published at least two weeks preceding the hearing, by the board of supervisors, in a newspaper of general circulation published in the county in which the district is located, together with a notice of the time when the petition will be heard by the board of supervisors and a statement that all persons interested may appear and be heard. Notice.

14231. At the hearing the board of supervisors shall hear the petition and any person interested, and may adjourn the hearing from time to time. Hearing.

14232. Upon the hearing the board shall determine whether or not it is for the best interests of the district and of the contiguous territory that the territory be included in the fire limits of the district and may modify the boundaries of the territory proposed to be included. Boundaries.

- Inclusion. 14233. The board of supervisors shall not modify the boundaries of the territory proposed to be included so as to exclude any real property which would be benefited by inclusion.
- Exclusion. 14234. Real property which would not in the judgment of the district board be benefited by inclusion shall not be included within the boundaries of the territory proposed to be included.
- Lots or parcels. 14235. The board of supervisors shall not include within the fire limits of the district any areas of land not subdivided or any lots or parcels of property containing more than five acres of land each, if the owner files objections to the inclusion of any such land within the district.
- Order. 14236. If the board of supervisors upon final hearing determines that it is for the best interests of the district and the territory proposed to be included that such territory be included, it shall make an order including the contiguous territory within the fire limits of the district. The order shall describe the exterior boundaries of the contiguous territory.
- Exclusion. 14237. Where any parcel of land containing more than five acres is included within the fire limits of the district, the board of supervisors, upon application of the owner, shall exclude from the district and from the taxable property of the district, all of the parcel in excess of five acres, which five acres shall include all portions of the parcel on which are situated any buildings or improvements.

Article 9. Withdrawal of Lands from District.

- Withdrawal. 14250. Any portion of a district which will not be benefited by remaining within the district may be withdrawn from the district.
- Petition. 14251. A majority of the persons who are both freeholders and residents within the portions desired to be withdrawn from the district may file a petition with the board of supervisors, requesting the withdrawal of that portion from the district on the ground that the portion will not be benefited by remaining in the district.
- Time for hearing. 14252. The board of supervisors shall fix a time for hearing the petition and for hearing protests to the continuance of the remaining territory as a district. The time for hearing shall not be less than ten nor more than thirty days after the receipt of the petition.
- Notice: Publication. 14253. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, or if there is no newspaper

published in the district, in a newspaper published in the county in which the district is located, and which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.

14254. The notice shall also be posted in three of the most public places within the district, one of which places shall be within the portion desired to be withdrawn, at least one week prior to the time fixed for hearing. Posting.

14255. Any person interested may appear at the hearing and object to the withdrawal, or may object to the continuance of the remaining territory as a district. Objections.

14256. The board of supervisors shall consider and pass upon all objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining within the district, and will not serve as a fire hazard to the remaining portion of the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, then it shall grant the petition. Grant of petition.

14257. If in the judgment of the board of supervisors the exclusion of the territory sought to be withdrawn will make further existence of the district impracticable, the board shall proceed to call an election for dissolution. Election on dissolution.

14258. Upon the withdrawal of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district. Vesting and use of property.

Article 10. Dissolution of District.

14275. Any district may be dissolved by the board of supervisors. Dissolution.

14276. Fifty or more persons who are both freeholders and residents of such district, or a majority of the persons who are both freeholders and residents if there are less than one hundred freeholders and residents in the district, may file with the board of supervisors a petition, requesting the dissolution of the district. Petition.

14277. The board of supervisors shall fix a time for hearing the petition, which shall not be less than ten nor more than thirty days after the receipt of the petition. Time for hearing.

14278. The board shall at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper of general circulation, published in the district, or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located. Notice.

- Hearing.** 14279. At the time appointed for hearing, or at any time to which the hearing may be continued, the board of supervisors shall hear and pass upon such petition, and all objections to granting it which may be made by persons interested.
- Denial of petition, election.** 14280. The board of supervisors may either deny the petition for dissolution or by resolution call an election upon the proposition of dissolution.
- Resolution.** 14281. The resolution shall specify the date of the election, which shall be not less than twenty days after the adoption of the resolution.
- Precincts, etc.** 14282. The resolution shall designate one or more precincts within the district, and shall designate a polling place in each precinct, together with the names of the election officers, who shall be one inspector, one judge, and one clerk, in each precinct.
- Election law.** 14283. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county and any resident of the district who would be entitled to vote at a general election held at the same time may vote.
- Notice.** 14284. No notice of the election other than the publication and posting of the resolution pursuant to this article, need be given.
- Publication.** 14285. The resolution ordering the election shall be published once a week for two successive weeks prior to the date of election, in a newspaper of general circulation published in the district, or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located, and deemed by the board of supervisors to be most likely to give notice of the election to the voters.
- Posting.** 14286. The resolution shall also be posted in three of the most public places within the district at least ten days prior to the date of election.
- Ballots.** 14287. The ballots used shall state in substance the following proposition: "Shall the ----- fire district in ----- county (stating the name of the district and the name of the county in which the same is located) be dissolved?", and opposite the proposition as so stated shall be printed the words "Yes" and "No" together with voting squares.
- Result of election.** 14288. If, at the election, a majority of the votes cast are in favor of dissolution the board of supervisors shall enter a finding to that effect upon its minutes and thereafter, the district is dissolved.

14289. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city; and the property of the district without the corporate limits of any city vests absolutely in the county within which the district was situated.

Vesting of
property.

14290. All the funds of the district remaining on hand shall be divided between any city and the county in the proportion that the total assessed value of the real property of the territory of the district in the city and without the city bears to the total assessed value of the real property within the district prior to dissolution. The assessed value shall be determined according to the last prior equalized assessment roll of the county.

Disposition
of funds.

14291. The county shall use the property and funds reverting to it upon dissolution for general fire protection purposes throughout the county.

Use of
property.

Article 11. Reorganization.

14300. Any district organized or reorganized under the act which this chapter supersedes, may be reorganized as a district under this chapter.

Reorgan-
ization.

14301. Fifty or more taxpayers and residents of a district and a majority of the district board, if any, may petition the board of supervisors of the county in which the district is situated for reorganization.

Petition:
Who may
file.

14302. The petition shall be verified by at least one of the petitioners, and shall set forth the boundaries and name of the district and pray that the district be reorganized under this chapter.

Contents.

14303. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, with a notice stating the time when the petition will be heard and that all persons interested may appear and be heard.

Notice.

14304. At the time fixed for hearing the board of supervisors shall hear the petition.

Hearing.

14305. The board shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any land which would be benefited by the reorganization of the district under this chapter, nor shall any lands which would not in the judgment of the board be benefited by the reorganized district be included within the district.

Boundaries:
Inclusion
and ex-
clusion.

14306. The board of supervisors shall not include within the district any area of land not subdivided or any parcel of

Lots or
parcels.

land containing more than five acres, if its owner objects in writing to the inclusion of such land within the proposed district.

Order. 14307. If the board of supervisors finds that the statements in the petition are correct it shall make an order describing the exterior boundaries of the territory included within the district as determined by the board and shall order that the territory be organized as a district under this chapter.

Effect of order; Powers. 14308. From and after the making of the order, the district is organized under this chapter with all the powers conferred in this chapter.

Identity. 14309. Any district reorganized under this article is, for all purposes, the identical district theretofore formed and existing.

Title to property, etc. 14310. The reorganization shall not affect or impair the title to any property owned or held by, or in trust for, the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district, or any pending proceedings.

Validity of title, etc. 14311. Any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken while the district was organized under the provisions of this chapter.

Ordinances. 14312. Reorganization shall not operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, nor to discharge any person from any liability then existing for any violation of such ordinance. Such ordinances, so far as they are not in conflict with general laws shall remain in force until repealed or amended by competent authorities.

Proceedings. 14313. After reorganization, proceedings theretofore commenced shall be conducted in accordance with this chapter.

Legality of existence. 14314. The legality or existence of a district reorganized as provided for in this chapter shall not be affected by reason of any defect or illegality in the formation of the previously formed district. It is the intention of this article to provide a procedure for the reorganization of all districts as may not have legal existence.

CHAPTER 1A. METROPOLITAN FIRE PROTECTION DISTRICTS.

(Ch. 1A added by Stats. 1939, Ch. 836.)

Article 1. General Provisions.

Area that may be organized. 14325. Any city or cities, county or counties, or combination thereof, or portions of either or both, or combinations

thereof, may be formed into a metropolitan fire protection district.

(Added by Stats. 1939, Ch. 836.)

14326. The purposes for which a district may be formed are: Purposes.

(a) The prevention and extinguishing of fires on brush covered or forest covered lands within the district.

(b) The acquisition, construction, and maintenance of roads, water pipelines, fire hydrants, water tanks, pumping plants, reservoirs, firebreaks, trails, and other works necessary or convenient for the prevention and extinguishing of fires.

(c) The issuance of bonds and the payment thereof and interest thereon and the expenditure of money raised thereby for carrying out the purposes for which the district is established.

(Added by Stats. 1939, Ch. 836.)

14327. As used in this chapter:

"County" includes city and county.

Definitions.

"County."

"Legislative body" means the board of supervisors of a county, the city council or board of trustees of a city, and includes any body exercising the functions of the foregoing by whatever name it may be called.

"Legislative body."

"Initiating body" means the legislative body with or by whom proceedings under this chapter are initiated.

"Initiating body."

"Main county" means the county in which the district lies, and if the district lies in more than one county, the main county is the one in which the greatest portion of the district lies.

"Main county."

"District" means a district organized pursuant to this chapter.

"District."

(Added by Stats. 1939, Ch. 836.)

Article 2. Resolution of Intention.

14330. Any legislative body may adopt a resolution declaring its intention to form a metropolitan fire protection district under this chapter.

Resolution of intention to form.

(Added by Stats. 1939, Ch. 836.)

14331. The resolution of intention shall contain all of the following: Contents.

(a) The name of the proposed district.

(b) A description of the boundaries of the proposed district which may be by reference to any publicly filed or recorded map.

(c) A description of what is proposed to be done by the district, which may refer to a plan on file with the initiating body.

(d) An estimate of the cost of improvements proposed to be made, acquired, constructed, or otherwise accomplished.

(e) An estimate of the annual cost of maintenance of the improvements and of the district.

(f) A statement that bonds are proposed to be issued for such improvements, and the maximum amount of the bonds.

(Added by Stats. 1939, Ch. 836.)

Copy to
each legis-
lative body.

14332. A copy of the resolution of intention shall be forwarded immediately to the clerk of the legislative body of each city or county, all or any portion of which is proposed to be included in the district. The clerk shall present the resolution to the legislative body.

(Added by Stats. 1939, Ch. 836.)

Adoption or
rejection by
each legis-
lative body.

14333. Each legislative body to whom the resolution is presented shall, at its next regular meeting or at a special meeting prior thereto called for the purpose, adopt or reject the resolution and the clerk thereof shall transmit a statement of the action to the initiating body. Such statement shall be filed within sixty days after the adoption of the resolution by the initiating body.

(Added by Stats. 1939, Ch. 836.)

Effect of
rejection.

14334. If the legislative body of any county or city rejects the resolution, no proceedings shall be had thereunder as to that county or city pursuant to this chapter, until its legislative body shall have rescinded its action and adopted the resolution. A resolution may, however, be adopted by a city within a county, despite the rejection by the legislative body of the county.

(Added by Stats. 1939, Ch. 836.)

Notice.

14335. Within thirty days after the expiration of the time for filing the statement of adoption or rejection, the clerk of the initiating body shall notify the clerk of each legislative body adopting the resolution to publish or post notice of hearing on the resolution and protests thereon at a time and place to be fixed by the clerk of the initiating body. Publication or posting of notice shall be completed not less than ten days prior to the date of hearing.

(Added by Stats. 1939, Ch. 836.)

Publication.

14336. The clerk of the legislative body of each city affected shall publish notice of the resolution and the time and place of hearing in at least one issue in a newspaper of general circulation printed and published in the city.

(Added by Stats. 1939, Ch. 836.)

Same.

14337. The clerk of the legislative body of each county affected shall publish notice of the resolution and the time and place of hearing in at least one issue in some newspaper

of general circulation printed and published in the county and circulated within the portions of the county in the proposed district not included within cities in the proposed district. If no portion of the proposed district within the county is included within a city no notice is required by this section.

(Added by Stats. 1939, Ch. 836.)

14338. In case no such newspaper exists or if one exists, it is not qualified to publish the notice, notice shall be given by the clerk by posting in three public places within the city, county, or area affected, as the case may be.

Posting.

(Added by Stats. 1939, Ch. 836.)

14339. The clerk of the initiating body shall prescribe a form of notice which shall include a brief description of the purposes of the formation of the district and which may refer to the resolution of intention for further details. The expense of publication or posting shall be paid by the legislative body the clerk of which publishes or posts the notice.

Form of notice.

(Added by Stats. 1939, Ch. 836.)

Article 3. Hearing and Protest.

14340. Any person objecting to the formation of the district, the boundaries thereof, or any other matter connected therewith, may file a written protest not less than seventy-two hours prior to the time fixed for hearing. The protest may be filed either with the clerk of the initiating body or with the clerk of the legislative body of the city or county affected which is the residence of the person protesting. If a protest is filed with a clerk other than the clerk of the initiating body the protest shall be transmitted immediately to the initiating body.

Protest.

(Added by Stats. 1939, Ch. 836.)

14341. At the time and place of hearing, the initiating legislative body shall consider all protests and hear witnesses and take evidence thereon. The hearing may be adjourned from time to time and from place to place, but not for a greater period than thirty days in all.

Hearing.

(Added by Stats. 1939, Ch. 836.)

14342. At the hearing the initiating body shall determine the boundaries of the district, and shall exclude from the proposed district all of the areas within the jurisdiction of legislative bodies which have rejected the resolution. The initiating body may exclude any other part of the proposed district if it finds that said part will not be benefited by being a part of the proposed district.

Determination of boundaries.

(Added by Stats. 1939, Ch. 836.)

Same.

14343. At the hearing the initiating body may include in the proposed district areas not included therein by the original resolution of intention, if the owners of all of the real property so included assent thereto in writing, and if the legislative body or bodies having jurisdiction over the area or areas also assent to such inclusion. Such assents shall be obtained and filed within thirty days after the original date of hearing.

(Added by Stats. 1939, Ch. 836.)

Formation.

14344. In the event the initiating body, after hearing, determines that the proposed district should be formed with the boundaries as fixed and determined pursuant to this article it shall declare the district established. If the district is not so established, no proceedings shall be instituted for the formation of a district under this chapter covering all or any part of the same area until six months have elapsed after the final determination of the first proceeding.

(Added by Stats. 1939, Ch. 836.)

Failure
to form.

Article 4. Election on Issuance of Bonds.

Bond
election.

14345. At any time after the establishment of a district, the initiating body may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution of intention.

(Added by Stats. 1939, Ch. 836.)

Resolution.

14346. The resolution calling an election shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate of interest to be paid thereon, the nature of the proposed works or improvements, the estimated amount of all expenses incidental to or connected with the proposed works or improvements, and the amount of money, if any, available as contributions to such improvements from any public source whether Federal, State, or local.

(Added by Stats. 1939, Ch. 836.)

Notice.

14347. Notice of election shall be given by the initiating body at least thirty days prior to the election by publication in at least one newspaper of general circulation circulated within the district. Publication, if in a daily paper, shall be in at least six consecutive issues, and if in a weekly paper, shall be in at least two consecutive issues. The initiating body may give such other notice as it sees fit.

(Added by Stats. 1939, Ch. 836.)

Procedure.

14348. The initiating body shall establish precincts within the district and designate polling places within such precincts. In all particulars not inconsistent herewith the general law governing elections shall apply to an election under this article.

(Added by Stats. 1939, Ch. 836.)

14349. The initiating body shall fix the date of election, which may be consolidated with any other special or general election, and shall appoint all necessary officers and provide all necessary facilities for the bond election. The initiating body shall fix the hours during which the polls are to be open. (Added by Stats. 1939, Ch. 836.)

Date,
hours.

14350. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of bonds, the initiating body is thereupon authorized to issue the bonds. (Added by Stats. 1939, Ch. 836.)

Who may
vote. Major-
ity required.

Article 5. Bonds.

14351. Bonds issued pursuant to this chapter shall be issued as follows:

Bonds.

(a) A part to be determined by the initiating body, which shall be not less than one-fortieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

Annual
payments.

(b) The date of the first bonds maturing may, in the discretion of the initiating body, be postponed not more than five years from the date of issuance.

Date of
payments.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on issuance of such bonds.

Interest.

(d) The denomination of the bonds shall be fixed by the initiating body, but shall not be less than one hundred dollars nor more than one thousand dollars each.

Denomi-
nations.

(e) The bonds shall be signed by the chairman or other presiding officer of the initiating body and by the treasurer of the main county. Signatures may be facsimile by use of an engraved or lithographed signature.

Signatures.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer of the main county, in like manner as the bonds.

Coupons.

(Added by Stats. 1939, Ch. 836.)

14352. Such bonds shall be sold by or on behalf of the initiating body for not less than the face value thereof.

Selling
price.

(Added by Stats. 1939, Ch. 836.)

14353. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon.

Signatures.

(Added by Stats. 1939, Ch. 836.)

14354. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the main county, and shall

Proceeds.

be withdrawn therefrom only upon the order of the initiating body or pursuant to its directions and only for the carrying out of the purposes of this chapter for which the district is organized.

(Added by Stats. 1939, Ch. 836.)

Article 6. Revenue and Taxation.

Determina-
tion of
amount
needed.

14355. The initiating body shall annually determine the amount of money to be provided for the district for the ensuing fiscal year and shall certify the amount to the legislative body of the main county. The amount shall be sufficient to pay the principal and interest on outstanding bonds according to their tenor and the costs of maintenance of the district.

(Added by Stats. 1939, Ch. 836.)

Apportion-
ment.

14356. The legislative body of the main county shall apportion to the several counties the amount to be raised by taxation in each, which apportionment shall be based upon the area of land within the district lying in the several counties.

(Added by Stats. 1939, Ch. 836.)

Tax levy.

14357. The legislative body of each county in which all or any portion of the district lies shall annually levy a tax upon all of the real property, exclusive of improvements, within the district and within the county, in an amount sufficient to raise the sum required to be raised in such county for the district.

(Added by Stats. 1939, Ch. 836.)

Sinking
fund.

14358. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated as a sinking fund.

(Added by Stats. 1939, Ch. 836.)

Rate.

14359. The legislative body of the county collecting the tax shall, in fixing the rate of the tax, allow not to exceed 15 per cent for anticipated delinquencies.

(Added by Stats. 1939, Ch. 836.)

Manner of
collection.

14360. The tax shall be collected in the same manner and at the same time as other county taxes.

(Added by Stats. 1939, Ch. 836.)

Deposit.

14361. All sums collected as such tax shall be deposited with the treasurer of the main county, and shall be paid out only upon the order of the initiating body or pursuant to its direction.

(Added by Stats. 1939, Ch. 836.)

Article 7. Powers of District.

14365. The initiating body shall be the governing body of the district and shall make all contracts on behalf of the district.

Governing body.

(Added by Stats. 1939, Ch. 836.)

14366. All contracts for construction, completion, maintenance, or for labor, materials, or supplies, shall be let to the lowest responsible bidder.

Contracts by bid.

(Added by Stats. 1939, Ch. 836.)

14367. The initiating body may require such bonds as it deems desirable as a condition to the filing of a bid or the granting of a contract.

Bonds.

(Added by Stats. 1939, Ch. 836.)

14368. The initiating body shall advertise for bids by advertising in two or more newspapers of general circulation printed and published in the district.

Advertising.

(Added by Stats. 1939, Ch. 836.)

14369. The initiating body, in lieu of calling for bids, may do any act or work itself in the manner provided by law.

Work without contract.

(Added by Stats. 1939, Ch. 836.)

14370. The initiating body shall have all powers necessary or requisite for carrying out the purposes for which the district was formed.

General powers.

(Added by Stats. 1939, Ch. 836.)

Article 8. Alternative Method.

14375. This chapter provides an alternative procedure for organizing and operating a fire protection district and shall not affect any other law providing for fire protection districts. When, however, a district is organized pursuant to this chapter, the provisions of this chapter, and none other, shall apply to such districts.

Chapter not to affect other Methods.

(Added by Stats. 1939, Ch. 836.)

CHAPTER 2. COUNTY FIRE PROTECTION DISTRICTS.

Article 1. General Provisions.

14400. Any portion of a county composed of unincorporated territory and not including any forest land protected by the State Board of Forestry or in a manner approved by the State Board of Forestry, may be formed into a county fire protection district pursuant to this chapter.

Area that may be organized.

Inclusion
of sixth
class cities.

14401. Any city of the sixth class adjacent to a fire protection district may be embraced and included in a district upon adoption of an ordinance by the governing body of the city declaring its intention and desire to be embraced and included within the district, and the filing of a certified copy of the ordinance with the Secretary of State and with the board of supervisors of the county within which the district is located.

Same.

14402. From and after such filings the city is a part of the district.

"District."

14403. "District," as used in this chapter, means a fire protection district created pursuant to this chapter or pursuant to any law which it supersedes.

"Board."

14404. "Board," as used in this chapter, means the board of supervisors of the county in which the district is situated.

Exemption
from
Stats. 1933,
p. 2142.

14405. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933,"

(Amended by Stats. 1939, Ch. 222.)

[ORIGINAL SECTION.]

14405. A district formed or proposed to be formed under this chapter is not subject to section 4 of the "District Investigation Act of 1933."

Use of
apparatus
outside
district.

14406. Whenever a fire occurs within the limits of any district and is of such proportions that it can not be adequately handled by the fire department of the district, or whenever a fire occurs in any unincorporated territory of a county not included within a district, the apparatus, equipment and fire fighting force of any district within the county may be used for the purpose of extinguishing the fire.

Payment
for use.

14407. In either case there shall be paid from the general fund of the county into the fund of the district furnishing the services the reasonable value of the use and the repairs and depreciation upon the apparatus and equipment, and such other expenses as are reasonably incurred in furnishing the services.

Article 2. Notice and Hearing.

Determi-
nation.

14410. The board of supervisors of any county may determine that a portion of the unincorporated territory of the county is in need of fire protection and should be formed into a fire protection district.

Notice:
Publication.

14411. The board shall fix a time and place for a hearing of the matter of the formation of the district and shall direct the clerk of the board to publish a notice once a week for two

successive weeks in a newspaper of general circulation circulated in the territory which it is proposed to organize into a fire protection district, which the board deems most likely to give notice to the inhabitants of the proposed formation of the district.

14412. The board shall direct the clerk to cause the notice to be posted in three public places in the territory, at least ten days prior to the date set for hearing. Posting.

14413. The notices shall be headed "Notice of the proposed formation of ----- county fire protection district in ----- county (stating the name of the proposed district and the name of the county in which the proposed district is to be located)." In the notice as posted, the heading shall be in letters of not less than one inch in height. Heading of notice.

14414. The notice as published and posted shall state that the board has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a county fire protection district. Contents.

14415. The notice shall set forth the exterior boundaries of the territory proposed to be organized into a district. The boundaries, so far as practicable, shall be the center lines of highways. Same.

14416. At any time prior to the time fixed for hearing, any person interested may file with the clerk written objections to the formation of the district. Objections.

14417. At the hearing, or at any time to which it may be continued, the board shall consider and pass upon all written objections filed. Hearing.

14418. If the board overrules the objections, it shall hear any person having objection to the inclusion of any territory within the proposed district, and may exclude any territory which would not be benefited by incorporation within the district. Exclusion of territory.

14419. At the conclusion of the hearing, the board may abandon the proposed establishment of a county fire protection district, or may decide to establish a district. Determination.

Article 3. Election on Formation.

14425. If the board decides to establish a district the board shall, by resolution, provide for and order the holding of a special election within the proposed district, and the submission to its qualified electors, of the proposition of forming the district. Formation election: Resolution.

Contents of
resolution.

14426. The resolution shall describe the boundaries of the proposed district as set forth in the notice of the proposed formation or as they may have been modified by the exclusion of territory.

Same.

14427. The resolution shall:

(a) Set forth the date of election which shall be at least twenty days after the adoption of the resolution.

(b) Designate one or more precincts within the boundaries of the proposed district.

(c) Designate a polling place in each precinct, and the names of the election officers who shall be one inspector, one judge and one clerk for each precinct.

Election
law.

14428. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county, except that no notice of election other than the publication and posting of the resolution need be given.

Publication.

14429. The resolution ordering the holding of the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the proposed district deemed by the board to be the most likely to give notice to the electors of the proposed election.

Posting.

14430. The resolution shall also be posted in three of the most public places within the proposed district at least ten days prior to the date set for the election.

Ballots.

14431. The ballots at the election shall state in substance the following proposition: "Shall the ----- county fire protection district be established," and opposite and to the right of the proposal, shall be printed the words "Yes" and "No," together with voting squares.

Result.

14432. If a majority of the votes cast are in favor of the establishment of the district, the board shall enter a finding to that effect upon its minutes and thereafter the district is established and organized as a county fire protection district.

Article 4. Powers and Duties of the Board.

Rules and
regulations.

14440. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district, for the furnishing of fire protection to, and for the elimination of fire hazards in, the district.

14441. The board may appoint agents and employees for the district sufficient to maintain and operate the property acquired for district purposes and to police the district.

Agents and employees.

14442. The board may clear any or all town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other inflammable material.

Inflammatory material.

14443. The board may acquire real or personal property needful for district purposes and dispose of it when no longer needed.

Property.

14444. The board may construct any needed structures.

Construction.

14445. The board may perform all other acts necessary or proper to accomplish the purposes of this chapter, and not inconsistent with its provisions.

Powers generally.

14446. The board may, by resolution, adopt the provisions of any charter of the county relating to civil service, and may also adopt the rules, regulations and procedures of any civil service commission of the county as they may exist at the time of the adoption of the resolution or may thereafter be changed or amended.

Civil service.

14446.5. In adopting the charter provisions of any county relating to civil service and the rules, regulations, and procedure of any civil service commission of the county. the board may, in its resolution of adoption, provide for either of the following:

Civil service.

(a) That the employees of the district shall submit to the examinations required by such charter, rules, regulations, and procedure;

(b) That all district employees, with the exception of those holding temporary appointments, in the employ of the district at the time the resolution is adopted shall continue to serve in their respective positions without examination, subject to such changes in classes or grades of positions as may be made by the civil service commission in the exercise of its powers, or as may be provided by law.

(Added by Stats. 1939, Ch. 219.)

14447. The members of any civil service commission and the officers, attaches and employees of any civil service department of the county are ex officio the civil service commission and civil service department of the district.

Commission, department.

14448. The commission and the members of the department shall perform the same duties for the district as they perform for the county without additional compensation, except that the commissioners shall be reimbursed by the district for any

Compensation.

necessary additional expenses incurred by them by reason of their performance of duties for the district.

Cost. 14449. The cost to the county for the performance of the duties by the civil service commission or civil service department for the district shall be reimbursed to the county by the district.

Where more than one district. 14450. In any county in which there is more than one district, the board may, by the adoption of a single resolution, designate all or any one of the districts to which such civil service rules, regulations and procedures shall apply, and when the resolution has been adopted by the board such rules, regulations and procedures are applicable to the named districts until the electors of the district, by a majority vote, instruct the board to remove the district from the operation of the rules, regulations and procedures of civil service.

Employees' status. 14451. This article does not make the employees of any district employees of the county.

Acceptance of donations or contributions. 14452. The board may accept donations or contributions of any kind or nature made to the district; and may expend any funds donated or contributed to the district in furtherance of the purposes of this chapter.
(Added by Stats. 1939, Ch. 381.)

Commissioners to act as agents for board. 14453. The board may, by resolution or order entered upon its minutes, appoint five commissioners to act as its agents in managing the affairs of the district and in exercising any or all of the powers vested in it. Commissioners so appointed shall:

(a) Hold office at the pleasure of the board and serve without compensation.

(b) Elect one of their number president and another secretary.

(c) Hold meetings periodically and as often as the business of the district may require.

(Added by Stats. 1939, Ch. 381.)

Article 4.5. Commissioners.

(Art. 4.5 added by Stats. 1939, Ch. 218.)

Commission. 14455. The board of supervisors may, by resolution or order entered upon its minutes, appoint a commission of five commissioners to manage the affairs of the district.
(Added by Stats. 1939, Ch. 218.)

Term. Compensation. 14455.1. The commissioners shall hold office at the pleasure of the board. They shall serve without compensation, but

may be paid their actual and necessary traveling expenses while on the business of the district.

(Added by Stats. 1939, Ch. 218.)

14455.2. Commissioners appointed shall organize by elect- Officers.
ing one of their number president, and by electing a secretary, who need not be a commissioner, and who may or may not be compensated for his services.

(Added by Stats. 1939, Ch. 218.)

14455.3. The commission shall keep a record of its pro- Records.
ceedings and of the receipts and disbursements of the district.

(Added by Stats. 1939, Ch. 218.)

14455.4. The commission has the same power as the board Rules and
to make and enforce rules and regulations relating to fire regulations.
prevention or fire fighting within the district.

(Added by Stats. 1939, Ch. 218.)

14455.5. The commission may enter into contracts with Contracts.
cities or other fire protection districts regarding the joint use
of fire apparatus and equipment.

(Added by Stats. 1939, Ch. 218.)

14455.6. The commission may appoint one or more fire Employees.
chiefs, assistants, and regular or volunteer firemen, and pay
them with warrants or claims drawn upon the funds of the
district.

(Added by Stats. 1939, Ch. 218.)

14455.7. The commissioners, and any fire chiefs, assistants, Powers and
and regular or volunteer firemen appointed by them, have the liabilities.
same authority and are subject to the same laws as the mem-
bers of any city or other fire department in respect to trespass,
the setting of backfires, policing, and the use of special equip-
ment on automobiles.

(Added by Stats. 1939, Ch. 218.)

Article 5. Ordinances of the Board.

14460. The board of supervisors as governing body of any Ordinances
district may adopt such ordinance or resolution as it may and resolu-
deem proper to prevent fires and conflagrations. tions.

14461. The ordinance or resolution shall be signed by the Execution,
members of the board and published in a newspaper printed publication,
in the district, or posted in three of the most public places, posting.
for a period of two weeks, at the end of which time it is a law
for the government of the inhabitants of the district.

14462. The ordinance or resolution may provide for and Provisions:
require the cleaning of town lots, homesites, villa lots, or Cleaning of
premises.

lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other inflammable material.

Failure
of owner
to clean.

14463. The ordinance or resolution may authorize the proper authorities to enter upon and clean such premises upon default of the owner to clean them after due notice and warning, and to collect the cost of cleaning by adding the cost to the taxes assessed to the owner.

Notice and
warning:
Posting.

14464. The ordinance may provide that posting of notice and warning to remove inflammable material in a conspicuous place on the premises affected for a period of not less than five days before the meeting of the board at which it authorizes the cleaning of the premises by the proper authorities and the assessing of the cost to the owner of the premises. is sufficient notice and warning.

Manner
of giving,
hearing.

14465. The ordinance shall specifically set forth the manner and form of giving notice and warning, and shall provide for a hearing and protest of the owner of the premises before the board.

Submission
to electors.

14466. The board may submit the ordinance or resolution to the electors of the district for approval or rejection, upon such notice and at such special or general election, as it deems proper.

Article 6. Duties of Division of Forestry.

Supervision
by Chief,
Division of
Forestry.

14470. The Chief of the Division of Forestry, with the approval of the Director of the State Department of Natural Resources shall upon the written request of any county board of supervisors exercise a general supervision over and make and enforce all necessary and proper rules and regulations relating to the following:

(a) The type and nature of all fire prevention and fire fighting implements and apparatus purchased by any district and its location in the district.

(b) The maintenance and upkeep of all implements and apparatus purchased by the district.

(c) The maintaining and increasing of the efficiency of the fire prevention and fire fighting organization of the district.

(d) The reporting of cause, extent, and damage resulting from each fire within the district.

Boundaries
and map.

14471. The board shall upon the request of the Chief of the Division of Forestry provide him with an accurate description of the boundaries of each district within the county and a map on which the boundaries are plainly and accurately delineated.

Article 7. Finance and Taxation.

14480. The board shall levy a tax each year upon all tax-^{Annual tax.} able property, real, personal or mixed in each district sufficient to defray the cost of maintenance and to meet such other expenditures as are authorized.

(Amended by Stats. 1939, Ch. 418.)

[ORIGINAL SECTION.]

14480. The board shall levy a tax each year equally upon all taxable property real, personal or mixed in each district sufficient to defray the cost of maintenance and to meet such other expenditures as are authorized.

14480.1. The board may determine the amount of the tax^{Amount of tax.} to be levied upon property within the incorporated areas of the district and the amount of the tax to be levied upon property within unincorporated areas of the district. The tax levied within incorporated areas of the district may be sufficiently higher than that levied in unincorporated areas to defray costs of acquiring and maintaining fire fighting implements, apparatus, and equipment, including water mains, hydrants and water, which are provided for and usable solely in protecting property within the incorporated area from loss or damage by fire.

(Added by Stats. 1939, Ch. 418.)

14481. The tax shall be levied and collected at the same^{Levy and collection.} time and in the same manner as taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter with respect to the district within which collected and for no other purpose.

14482. If any taxes are collected pursuant to this chapter,^{Refunds.} and it is subsequently determined by a court of competent jurisdiction that the district was not legally formed or created by reason of a failure to comply with any provision of this chapter, any person who has paid taxes levied pursuant to this chapter is entitled to a return of any taxes so paid upon the filing of a verified claim or demand for refund with the board of supervisors of the county in which the district lies, within six months after the time it is finally determined that the attempted formation of the district was ineffectual or invalid if any proceeds of the tax are on hand in the county treasury.

14483. At the expiration of the time within which claims^{Division of funds.} for refunds may be made, all money then on hand shall be divided between the county in which the district is located, and any cities which may have within their corporate limits any of the territory embraced within the boundaries of the district declared invalid, in such proportion as the area of the

district lying within the county and city, respectively, bears to the entire area of the district.

Use of funds divided. 14484. Any funds so divided shall be used by the city or county, as the case may be, to which apportioned, for fire protection purposes only.

Warrants: Interest. 14485. All warrants for the payment of any indebtedness of a district which are unpaid for want of funds, shall bear seven per cent interest from the date of registry as unpaid with the county treasurer.

Amount. 14486. The amount of such warrants shall not exceed the income and revenue provided for the year in which the indebtedness was incurred.

Article 8. Title to Property.

Title to property. 14500. The title to all property acquired for a district is vested in the county in which the district is located.

On annexation to one city: 14501. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district is dissolved and its property becomes the property of the city.

Transfer of funds. 14502. All money in the county treasury to the credit of the district or of any district fund, shall be transferred to the treasury of the city and shall be used for the purposes for which it was available prior to the transfer and none other.

Outstanding liabilities. 14503. Upon such annexation or inclusion, the city becomes liable for all outstanding liabilities of the district incurred prior to its dissolution.

On annexation to two or more cities. 14504. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities, the district is dissolved, and the board shall apportion the property of the district and its unexpended funds between the cities in proportion to the respective assessed valuations of the property annexed to each city.

Outstanding liabilities. 14505. Upon such annexation or inclusion each city becomes liable for its proportion, computed as above, of all the outstanding liabilities of the district incurred prior to its dissolution.

Sale of property. 14506. Any property or equipment of the district not capable of apportionment may be sold at public auction as in the case of other county property not required for public use and the proceeds of sale shall be apportioned between the respective cities as above provided.

Article 9. Annexation.

14510. At any time after the establishment of a district the board may determine that territory, whether or not it is contiguous to the district, should be annexed to the district.

Determination.

14511. The board shall fix a time and place for the hearing of the matter of the annexation and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex which the board deems most likely to give notice to the inhabitants of the territory.

Notice:
Publication.

14512. The notice shall be headed "Notice of the proposed annexation of territory to the ----- county fire protection district in ----- county," stating the name of the district and county, and shall contain a statement of the time and place for hearing on the matter.

Contents.

14513. The notice shall designate the territory proposed to be annexed.

Same.

14514. At the time and place of hearing, or at any time to which it is continued, the board shall hear any person objecting to the annexation or objecting to the annexation of any portion of the territory.

Objections.

14515. At the conclusion of the hearing the board may refuse to annex any territory to the established district or it may include all or a portion of the territory proposed to be annexed. If the board determines to annex any territory it shall so declare by resolution and thereupon the territory is annexed to the district for all purposes of this chapter.

Refusal.

Resolution.

Article 10. Consolidation.

14525. At any time after the establishment of two or more districts in any county, the board may determine that any two or more of the districts, whether or not they are contiguous, should be consolidated.

Determination.

14526. The board shall fix a time and place for hearing the matter of consolidation of the districts and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, and which the board deems most likely to give notice to the inhabitants of the districts.

Notice:
Publication.

14527. The notice shall be headed "Notice of the proposed consolidation of ----- county fire protection district and ----- county fire protection district," stating the names of

Contents.

the districts proposed to be consolidated and shall contain a statement of the time and place fixed by the board for hearing the matter.

Same. 14528. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts.

Objections. 14529. At the time and place fixed for hearing or at any time to which the hearing may be continued, the board shall hear any person objecting to the consolidation.

Refusal or order. 14530. At the conclusion of the hearing the board may refuse to consolidate any of the districts or it may order the consolidation of any or all of the districts proposed to be consolidated.

Resolution. 14531. If the board determines to consolidate any of the districts it shall so declare by resolution stating the name by which the consolidated district shall be known.

Article 11. Withdrawal Upon Inclusion in City.

Withdrawal. 14540. Except as to cities of the sixth class whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district.

Exception. 14541. If any portion of a district is included by incorporation, annexation, or otherwise, within a city of the sixth class, the territory nevertheless remains a portion of the district unless and until the board determines, upon a hearing held for that purpose, that the territory of the district not included within the city will benefit by remaining as a district.

Resolution. 14542. If it is desired that the portion of the district included within the boundaries of a city of the sixth class be withdrawn from the district, the governing body of the city shall, by resolution, request the board to fix a time and place for a hearing on the question of withdrawal.

Designation of boundaries. 14543. The resolution shall designate the exterior boundaries of that portion of the district within the city.

Notice: Publication. 14544. Notice of hearing shall be given by the board by publication by one insertion in a newspaper circulated in the district which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.

Posting. 14545. The notice also shall be posted in three public places within the district, one of which shall be within that portion of the district within the city.

14546. A person interested may appear at the hearing and object to the withdrawal, or may object to the continuance of the remaining territory as a district, and the board shall consider and pass upon all objections.

14547. If the board finds that the portion of the territory of the district not included within the city will be benefited by continuing as a district after the withdrawal then it shall grant the request and by an order entered upon its minutes alter the boundaries of the district to exclude the portion lying within the city.

14548. No withdrawal of territory becomes final unless and until any contract for furnishing water to the district has expired or has been canceled or modified, with the consent of the parties, so that the district is relieved of the obligation to pay for future water supply within the territory withdrawn.

14549. Upon the withdrawal of any territory of a district all property acquired for the district and all funds remaining on hand shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining.

Article 12. Withdrawal Upon Petition.

14560. Any portion of a district which will not be benefited by remaining within the district, may be withdrawn from it.

14561. Fifty or more freeholders within the portion desired to be withdrawn from the district, or a majority of such freeholders, if there are less than one hundred freeholders within the portion sought to be withdrawn, may file a petition with the board requesting the withdrawal of the portion from the district on the ground that it will not be benefited by remaining in the district.

14562. The board shall fix a time for hearing the petition and protests to the continuance of the remaining territory as a district.

14563. The time of hearing shall be not less than ten nor more than thirty days after the receipt of the petition.

14564. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal.

Posting. 14565. The notice shall also be posted in three of the most public places in the district, one of which shall be within the portion of the district desired to be withdrawn, at least one week prior to the time fixed for hearing.

Objections. 14566. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or to the continuance of the remaining territory as a district.

Grant of petition. 14567. The board shall consider and pass upon the objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

Vesting of property. 14568. Upon the withdrawal of any territory from a district, all property acquired for the district remains vested in the county and shall be used for the purposes of the district.

Article 13. Dissolution.

Dissolution. 14580. Any district may be dissolved by the board.

Petition. 14581. Fifty or more freeholders and residents of such district, or a majority of such freeholders and residents if there are less than one hundred freeholders and residents in the district, may file a petition with the board, requesting the dissolution of the district.

Notice. 14582. The board shall fix a time for hearing the petition, which shall be not less than ten nor more than thirty days after the receipt of the petition, and shall at least one week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper of general circulation circulated in the district.

Objections. 14583. At the time appointed for hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition, and any objections which may be made to the granting of the petition.

Election, etc. 14584. The board shall consider and pass upon the objections and may either deny the petition for dissolution or, by resolution, call an election upon the proposition of dissolution of the district.

Resolution: Date of election. 14585. The resolution shall specify the date of the election which shall be held not less than twenty days after the adoption of the resolution.

Designation of precincts, etc. 14586. The resolution shall also designate one or more precincts within the boundaries of the district, a polling place

in each precinct, and the names of the election officers, who shall be one inspector, one judge, and one clerk, in each precinct.

14587. In all other particulars the election shall be held as provided by law for holding a general election in the county. Election law.

14588. No notice of election other than the publication and posting of the resolution need be given. Notice.

14589. The resolution ordering the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the district, and deemed by the board to be most likely to give notice of the election to the electors. The resolution shall also be posted in three of the most public places within the district at least ten days prior to the date of election. Publication and posting.

14590. The ballots used at the election shall state in substance the following proposition: "Shall the ----- county fire protection district in ----- county (stating the name of the district and the name of the county in which it is located) be dissolved," and opposite the proposition shall be printed the words "Yes" and "No" with appropriate voting squares. Ballots.

14591. If a majority of the votes cast are in favor of the dissolution of the district, the board shall enter a finding to that effect upon its minutes and the district is dissolved. Finding.

14592. Upon the dissolution of any district pursuant to this article, the property of the district remains the property of the county in which the district is located and may be used, together with any money remaining in the funds of the district, for general fire protection purposes throughout the county. Vesting of property.

CHAPTER 3. FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES.

Article 1. General Provisions.

14600. Contiguous unincorporated territory lying within one or more counties and not included in any other fire protection district and not including timber land patrolled by the State Board of Forestry or in accordance with its rules and regulations, may be formed into a county fire protection district in the manner provided in this chapter. Territory that may be organized.

14601. "District," as used in this chapter, means a fire protection district formed pursuant to this chapter or pursuant to any law which it supersedes. "District."

"Directors." 14602. "Directors," as used in this chapter, means the board of directors of a district.

Exemption from Stats. 1933, p. 2142. 14603. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933."

(Amended by Stats. 1939, Ch. 222.)

[ORIGINAL SECTION.]

14603. A district formed or proposed to be formed under this chapter is not subject to section 4 of the "District Investigation Act of 1933."

Title to property. 14604. The title to all property which may have been acquired for a district is vested in the district.

Disposal of property on dissolution. 14605. Whenever any district is dissolved all of its property shall be disposed of to the highest bidder, and the proceeds, together with all money in the county treasury to the credit of any fund of the district, shall upon dissolution be applied to the maintenance and repair of the highways in the district.

Article 2. Petition and Hearing.

Petition. 14610. Twenty-five per cent or more of the holders of title or evidence of title to lands lying in one body and whose names appear as such upon the next preceding county assessment rolls may petition the board of supervisors of the county in which the land or the greater portion of it lies, setting forth the exterior boundaries of the proposed district, and asking that the district so described be formed into a district.

Resolution. 14611. The board of supervisors shall pass a resolution declaring their intention to organize the territory into a district, naming the district and describing its exterior boundaries.

Notice. 14612. The resolution shall fix a time and place for hearing not less than thirty days after its adoption and direct the clerk of the board of supervisors to publish the notice of intention to form the district, and of the time and place fixed for hearing, and shall designate some newspaper of general circulation published in the county and circulated in the proposed district, or if there is no newspaper so published and circulated, then in some newspaper of general circulation circulated in the proposed district.

Heading of notice. 14613. The notice shall be headed "Notice of the proposed formation of ----- county fire protection district in ----- county (stating the name of the proposed district and the name of the county or, if there is more than one county, the names of all of the counties)."

14614. The notice shall state the fact that the board of supervisors has fixed the time and place, which shall be stated in the notice, for hearing the matter of the formation of the district. Contents.

14615. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district, which boundaries, so far as practicable, shall be the center lines of highways. Same.

14616. The notice shall be published once a week for two successive weeks prior to the time fixed for hearing in the newspaper designated by the board. Publication.

14617. At or prior to the time fixed for hearing, any person interested may file with the clerk of the board written objections to the formation of the district. Objections.

14618. At the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and pass upon the objections filed, if any. Hearing.

14619. The board may sustain any or all of the objections filed and change or alter the boundaries of the proposed district to conform to the needs of the district and to exclude any land that will not be benefited by the formation of the district. Action on objections and boundaries.

14620. Any owner of lands adjacent to the district may, by written application filed with the board at or before the time of the hearing, in the discretion of the board, have such lands included within the proposed district. Other lands not included in the proposed district by the original petition may not be included in the district. Inclusion of lands.

14621. Upon the hearing the board shall determine whether or not the petition complies with the requirements and purposes of this chapter, and shall hear all competent and relevant testimony offered in support or in objection to the petition. Hearing.

14622. The board shall by resolution determine whether or not the proposed district shall be formed and the determination shall be entered upon its minutes. Resolution.

14623. When the boundaries of the proposed district are established by the board, it shall make an order dividing the district into three or five divisions as nearly equal in size as practicable. Divisions.

14624. The divisions shall be numbered consecutively and constitute election precincts for the district. Same.

Directors. 14625. One director, who shall be a resident of the precinct for which he is elected, shall be elected by each precinct, except when requested in the petition, three directors who are residents of the district, shall be elected at large by the district.

Article 3. Election on Organization.

Notice of election. 14630. If the board determines that a district should be formed it shall give notice of an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed.

Contents. 14631. The notice shall designate a name for the proposed district and describe the boundaries of the precincts, when more than one, together with a designation of the polling places and board of election for each precinct.

Publication. 14632. The notice shall be published once a week for at least three weeks previous to the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county in which the petition for the organization of the district was presented.

Ballots. 14633. The notice shall require the electors to cast ballots which shall contain the words "----- county fire protection district—Yes" or "----- county fire protection district—No" or their equivalent, and also the names of persons to be voted for to fill the office of director.

Election law. 14634. The election shall be conducted as nearly as practicable in accordance with the general laws of the State, but no particular form of ballot is required.

Electors. 14635. Holders of title or evidence of title to lands within the district, and no others, are qualified and entitled to vote either in person or by proxy at any election.

Proxies. 14636. No person shall cast a vote by proxy unless his authority to do so is evidenced by an instrument in writing acknowledged before a notary public and filed with the election board.

Canvass of votes. 14637. The board of supervisors shall on the first Monday succeeding the election, or at its next succeeding general or special session, canvass the votes and if it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district in case lands in more than one county are included, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory organized as a district and shall

Order.

declare the persons receiving respectively the highest number of votes for directors, to be elected.

14638. The board shall cause a copy of the order certified by the clerk of the board to be immediately filed for record in the office of the county recorder of the county in which any portion of the lands embraced in each district is situated, and shall immediately forward a copy to the clerk of the board of supervisors of each of those counties.

Filing of
order, etc.

14639. From and after such filings the organization of the district is complete.

Completion
of organ-
ization.

14640. No board of supervisors shall, after the date of the organization, allow another fire protection district to be formed which includes any portion of the lands in the district without the consent of the land owner.

Inclusion
within
second
district.

Article 4. Government of District.

14650. The directors elected shall immediately enter upon their duties.

Directors.

14651. Excepting the members of the first board, they shall hold office for a term of three years from and after their election and until their successors are elected and qualified.

Terms.

14652. The members of the first board of directors shall at their first meeting so classify themselves by lot that one of their number goes out of office on the second Monday of April of the year next succeeding the first election; one on the second Monday of April of the second year succeeding; and one on the second Monday of April of the third year succeeding.

First
directors.

14653. After classification the directors shall organize as a board, elect a president from their number, and appoint a secretary who shall each hold office during the pleasure of the board.

Organ-
ization.

14654. After the first election, an election shall be held each year on the last Friday in March at which one director shall be elected.

Annual
election.

14655. Notice of election shall be given by the directors by posting in three public places within the district for at least two weeks before the election.

Notice.

14656. The board of directors shall appoint the judges of election.

Election
judges.

- Polling places. 14657. Wherever practicable, the polling places used for school elections shall be designated.
- Election law. 14658. The elections shall be conducted in accordance with the provisions of the general election laws except as in this chapter provided to the contrary.
- Returns. 14659. The judges of election shall, within twenty-four hours after the election, make returns and certify the votes, and the names of the persons voted for to the directors.
- Canvass of votes, etc. 14660. Within five days after the returns have been received by the directors, they shall count the votes, determine who has been elected, and issue certificates of election to the persons elected.

Article 5. Powers and Duties of Directors.

- District management. 14680. The directors shall manage and conduct the business and affairs of the district.
- Rules and regulations. 14681. They shall make and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection to it.
- Contracts, etc. 14682. They shall make and execute in the name of the district all necessary contracts, adopt a seal for the district, provide for the payment of all the debts and claims against the district, and employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.
- Acquisition of property, etc. 14683. The directors may acquire real or personal property for the purposes of the district, dispose of property when no longer needed, construct needed structures, and acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purposes of the district.
- Fire hazards. 14684. They shall eliminate and remove fire hazards within the district wherever practicable and possible whether on private or public premises and to that end may clear the public highways and, where permitted, private lands, of dry grass, stubble, brush, rubbish, or other inflammable material, which in their judgment constitutes a fire hazard.
- Necessary acts. 14685. The directors shall perform all other acts necessary, proper and convenient to accomplish the purposes of this chapter.
- Fire ordinances: Nature. 14686. The directors may adopt ordinances to prevent fires and conflagrations, and for the protection of property at and

during the pendency of any fire, and for that purpose may provide that at and during the pendency of any fire the officers of the fire company or companies present are vested with the powers of peace officers.

14687. An ordinance shall be signed by the directors, and published in a newspaper printed in the district, or posted in three of the most public places of the district, for a period of two weeks, at the end of which time it becomes a law for the government of the inhabitants of the district.

Execution,
publica-
tion, etc.

14688. Every person who violates any of the provisions of an ordinance of the directors is guilty of a misdemeanor.

Violations.

14689. Any justice of the peace within the townships within which the district is situated has jurisdiction of prosecutions under this chapter.

Prosecutions.

Article 6. Finance and Taxation.

14700. The directors of each district shall annually on or before the twentieth day of July estimate the amount of money which will be needed to defray the cost of maintenance of the district, and to meet other expenditures authorized in connection with the district.

Annual
estimate.

14701. The directors shall ascertain from the assessor or assessors the assessed value of the assessable property within the district.

Property
value.

14702. They shall then determine the amount of the tax sufficient to raise the sum estimated to be necessary.

Tax
amount.

14703. The amount of money to be raised for the purpose of establishing and equipping a district with fire-fighting facilities shall not in any one year exceed one per cent of the assessable property within the district.

Limitation.

14704. The amount of money to be raised for the purpose of maintaining a district each year shall not exceed one-half of one per cent of the assessable property within the district.

Same.

14705. When so determined, the amount of the tax shall be certified to the boards of supervisors of the counties in which any portion of the district is located.

Certification.

14706. The boards of supervisors shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all taxable property, real, personal or mixed, in the district.

Tax levy.

Collection. 14707. The tax when levied shall be entered upon the assessment rolls and collected in the same manner as State and county taxes.

Deposit of money. 14708. When the tax is collected it shall be placed in the treasury of the county in which the greater portion of the district is located, to the credit of the current expense fund of the district and shall be used only for the purpose for which it was raised.

Payment of bills, etc. 14709. All accounts, bills and demands against the district shall be audited, allowed and paid by the directors by warrants drawn on the county treasurer. The county treasurer shall pay the warrants in the order in which they are presented.

Article 7. Inclusion of Territory.

Inclusion of territory. 14720. Territory contiguous to any district and in a county in which some part of the district lies may be included in the district.

Petition. 14721. All of the owners in fee of real property in the contiguous territory, as shown by the last equalized assessment roll of the county in which the territory is located, may file a petition with the board of supervisors of each county in which the district is situated.

Contents. 14722. The petition shall designate specifically the boundaries of the contiguous territory, state that such territory is not within the fire limits of any other fire district, and ask that the territory be included in the district.

Execution. 14723. The petition shall also be signed by the board of directors of the district.

Verification. 14724. The petition shall be verified by the affidavit of one of the petitioners.

Notice. 14725. A notice stating the time when the petition will be presented to the board of supervisors and that all persons interested may appear and be heard, shall be posted at least two weeks preceding the hearing in three public places in the district.

Hearing. 14726. At the hearing the board of supervisors shall hear the petition and any person interested, and may adjourn the hearing from time to time.

Determination. 14727. Upon the hearing of the petition the board may determine whether or not it is for the best interests of the district and of the contiguous territory that the territory be included in the district.

14728. The board may modify the boundaries of the ter- Boundaries.
ritory proposed to be included.

Article 8. Change of Boundary.

14735. The boundaries of a district may be altered and Annexation.
new territory annexed pursuant to this article.

14736. The directors of any district, upon receiving a Petition.
written petition for annexation containing a description of
territory contiguous to the district and proposed to be
annexed, signed by not less than twenty per cent of the holders
of title or evidence of title to lands within the territory pro-
posed to be annexed, whose names appear as such on the last
preceding county assessment roll, shall cause a notice of filing
of the petition to be published in the same manner and for the
same time as is required as to notices of the proposed forma- Notice:
Publication.
tion of a district.

14737. The notice shall state the fact of the filing of the Contents.
petition, the names of the petitioners, a description of the
lands mentioned in the petition, and the prayer of the peti-
tion.

14738. The notice shall notify all persons interested in, Same.
or that may be affected by the change of the boundaries of the
district, to appear at the offices of the directors, at a time
named, and show cause in writing, if any they have, why the
proposed change in boundaries should not be made.

14739. The time specified in the notice shall be the regular Time of
hearing.
meeting of the board next after the expiration of time for
publication of the notice.

14740. The petitioners shall advance to the directors suffi- Costs.
cient money to pay the estimated costs of all proceedings.

14741. The directors, at the time and place mentioned in Hearing.
the notice, or at such other time to which the hearing may be
adjourned, shall hear the petition, and all objections pre-
sented in writing by holders of title or evidence of title to
lands within the district or within the territory proposed to
be annexed.

14742. The directors may require as a condition precedent Payments.
to the granting of a petition, that the petitioners shall sever-
ally pay to the district such respective sums as nearly as the
same can be estimated and in the several amounts determined
by the directors as the petitioners or their grantors would
have been required to pay the district as taxes, had the lands
been included in the district at the time it was originally
formed.

- Exclusion of land. 14743. At the hearing, the directors shall hear and determine all objections and shall exclude all lands within the territory proposed to be annexed which will not be benefited by inclusion.
- Election. 14744. If the directors deem it for the best interest of the district that the boundaries of the district be changed as proposed or as such proposal may be altered by the exclusion of lands not benefited, the directors shall submit the question of change in boundaries at the next election to be held in the district and shall call an election to be held at the same time within the territory to be annexed.
- Notice. 14745. Notice of the election shall be given in the same manner as that prescribed for annual elections of directors.
- Ballots. 14746. The ballots cast at the election shall contain the words "For change of boundary" and "Against change of boundary," or their equivalent.
- Description. 14747. The notice of election shall describe the proposed change of boundaries so that it can readily be traced.
- Electors, proxies. 14748. The qualifications for voters are the same as for other district elections and votes by proxy are allowable as in other district elections.
- Canvass of returns. 14749. The returns of the votes cast in the territory proposed to be annexed and in the district shall be canvassed separately and the directors shall cause a record of the canvass to be made and entered in its minutes.
- Finding. 14750. If it appears from the canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the directors shall so find and upon the filing of a copy of its finding certified under seal of the district in the office of the county recorder, the territory is a part of the district.

Article 9. Dissolution.

- Dissolution. 14760. Pursuant to this article, a district may be dissolved by the board of supervisors which formed it.
- Petition. 14761. Twenty-five per cent of the owners of land within the district may file a petition for dissolution with the board of supervisors, requesting the dissolution of the district.
- Election. 14762. The board of supervisors shall by resolution call an election which shall be called, noticed and conducted in all respects in a manner similar to that provided for with reference to the formation of a district.

14763. If it appears that a majority of the owners of land voting at the election have voted in favor of dissolution, the directors shall cause such facts to be entered upon their minutes and shall forward copies of the entry to the boards of supervisors of the counties in which the district is situated. Favorable
vote: Entry
and filing.

14764. The directors shall also record a copy of the entry with the county recorders of those counties. Record of
entry.

14765. On and after the filing and recording, the district is dissolved. Effect.

14766. If at the time of dissolution there are any outstanding or bonded indebtednesses, taxes for their payment shall be levied and collected the same as if the district had not been dissolved and disincorporated. Outstanding
debts.

CHAPTER 4. DISSOLUTION OR EXCLUSION WHEN AREA IS INCORPORATED.

Article 1. Dissolution.

14800. A district comprising territory which is wholly within, or identical with the corporate limits of a city, which has been incorporated after the district was organized and established, may be dissolved. Dissolution.

14801. Inhabitants of the district, whose names appear upon the last preceding assessment roll of the county or city within which the district is located, owning or representing more than one-half in value of the assessed real property of the district, or owning or representing more than one-half in value of the assessed real property in the district owned by its residents, may file a verified petition with the board of supervisors requesting the dissolution of the district. Petition.

14802. The board of supervisors may, by a resolution adopted and entered in its minutes, discontinue the district, and declare it to be disincorporated. Declaration.

14803. Upon such action being taken by the board of supervisors, the board of fire commissioners of the district, shall turn over to any fire department organized by the governing body of the city, or to the governing body itself, all the property of the district. Disposition
of property.

14804. The city shall pay all the debts of the district and thereupon the district is discontinued and disincorporated. Payment
of debts.

Article 2. Change of Boundaries.

14810. Any portion of the territory of any fire district which has been incorporated into the corporate limits of any city may be excluded from the district. Exclusion
from district.

Petition. 14811. Inhabitants of the incorporated portion of the district, whose names appear upon the last preceding assessment roll of the county or city within which the incorporated portion of the district is located, owning or representing more than one-half in value of the assessed real property in the incorporated portion of the district, or owning or representing more than one-half in value of the assessed real property within the incorporated portion of the district owned by its residents, may file a verified petition with the board of supervisors, requesting that the area within the city be excluded from the district.

Resolution. 14812. The board of supervisors shall by a resolution adopted and entered in its minutes, change the boundaries of the district so as to exclude the incorporated portion from the district, and thereafter the incorporated portion of the district is not a portion of the district, and is not entitled to the protection of, nor liable to be assessed or taxed for the support and maintenance of, the fire department of the district.

Article 3. Recordation.

Recordation of resolution. 14815. A certified copy of any resolution of a board of supervisors, discontinuing a district, excluding a portion of its territory, or changing its boundaries, after being adopted, and signed by the chairman and the clerk of the board and certified to by the clerk of the board under its seal, shall, within ten days after adoption, be filed by the clerk of the board in the office of the county recorder of the county in which the fire district is located.

Fees. 14816. The recorder shall record the resolution, but shall not make any charge or collect any fees for filing or recording it.

PART 4. FIRE COMPANIES IN UNINCORPORATED TOWNS.

CHAPTER 1. ORGANIZATION.

Certificate: Filing. 14825. Fire companies in unincorporated towns may be organized by filing with the county recorder a certificate signed by the foreman or presiding officer and by the secretary.

Contents. 14826. The certificate shall set forth the following matters:

- (a) The date of organization.
- (b) The name of the company.
- (c) The names of the officers.
- (d) The roll of active and honorary members.

14827. The certificate shall be renewed and refiled every Renewal.
six months.

14828. There shall not be in any one unincorporated town Number.
more than one company for each one thousand inhabitants,
but one company may be allowed in any town where the popu-
lation is less than one thousand.

14829. An engine company may consist of not more than Members.
sixty-five certificate members; a hook-and-ladder company of
not more than sixty-five certificate members; and a hose com-
pany of not more than twenty-five certificate members.

14830. Every fire company shall choose or elect a foreman, Foreman.
who is the presiding officer, and a secretary and treasurer.

CHAPTER 2. POWERS AND DUTIES.

14835. Every fire company may establish and adopt by- Regulations,
laws and regulations, and impose penalties, not exceeding five penalties.
dollars or expulsion for each offense.

14836. Every fire company regularly organized may adopt Seal.
a seal, having upon it the arms of the State, and the name of
the company to which it belongs.

14837. The seal shall be under the control of and for the Control and
use of the secretary, and be by him affixed to exempt certifi- use of seal.
cates, certificates of active membership, and such other docu-
ments as the by-laws provide.

14838. The secretary of every company having a seal shall Secretary:
take the constitutional oath of office and give such bond as the Oath and
by-laws provide for the faithful performance of his duties. bond.

14839. The secretary shall keep a record of all certificates Certificates:
of exemption or active membership, their date, and to whom Records.
issued; and when the company has no seal, the clerk shall keep
similar entries of certificates issued to obtain county clerk's
certificates.

14840. Every certificate is prima facie evidence of the Certificate
facts stated in it. as evidence.

14841. The chief of every fire company shall inquire into Chief:
the cause and keep a record of every fire occurring in the Fire record.
town.

14842. He shall aid in the enforcement of all fire Enforcement
ordinances, examine buildings in process of erection, report of ordi-
violations of ordinances relating to prevention or extinguish- nances.

ment of fires, and when directed by the proper authorities institute prosecutions therefor.

Other duties. 14843. He shall perform such other duties as may be by proper authority imposed upon him.

Attendance at fires. 14844. Every chief shall attend all fires with his badge of office conspicuously displayed.

Protection of property. 14845. He shall prevent injury to, take charge of, and preserve all property rescued from fires, and return the property to its owner on the payment of the expenses incurred in saving and keeping it.

CHAPTER 3. EXEMPTIONS.

Privileges and exemptions. 14855. The officers and members of unpaid fire companies regularly organized, and exempt firemen, are entitled to the following privileges and exemptions:

(a) Exemption from payment of poll tax, road tax, and head tax of every description.

(b) Exemption from jury duty.

(c) Exemption from military duty, except in case of war, invasion, or insurrection.

"Exempt fireman." 14856. Every fireman who has served five years in an organized fire company in this State is an "exempt fireman," and shall receive from the chief of the company to which he belonged a certificate to that effect.

Certificate: Active fireman. 14857. Every active fireman shall have a certificate of that fact signed by the chief of the company to which he belongs.

Counter-signature. 14858. The certificates shall be countersigned by the secretary, and over the seal of the company, if one is provided.

Exemption certificate. 14859. Certificates of exemption may be issued by the clerk of the county over his official seal and signature and shall entitle the holder to exemption as an exempt fireman.

Violation. 14860. Every officer of a fire company who wilfully issues or causes to be issued any certificate of exemption to a person not entitled to it, is guilty of a misdemeanor.

PART 5. ABATEMENT OF HAZARDOUS WEEDS.*

CHAPTER 1. GENERAL PROVISIONS.

"Weeds." 14875. "Weeds," as used in this part, means all weeds growing upon streets, sidewalks, or private property in any county, including any fire protection district and includes any of the following:

- (a) Weeds which bear seeds of a downy or wingy nature.
- (b) Weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.
- (c) Weeds which are otherwise noxious or dangerous.
- (d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

14876. Weeds may be declared a public nuisance and may be abated as provided in this part. Public nuisance.

CHAPTER 2. RESOLUTION.

14880. Whenever weeds are growing upon any street, sidewalk, or on private property in any county, the board of supervisors, by resolution, may declare the weeds a public nuisance. Resolution.

14881. The resolution shall refer, by the name under which it is commonly known, to the street, highway, or road upon which the nuisance exists, upon which the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located. Contents.

14882. If the private property fronts or abuts upon more than one street, highway, or road, it is necessary to refer to only one of the streets, highways, or roads. Same.

14883. The resolution shall describe the property upon which, or in front of which the nuisance exists by describing the property in accordance with the map used in describing property for taxation purposes. No other description is necessary. Same.

14884. Any number of streets, highways, roads, or parcels of private property may be included in one resolution. Same.

CHAPTER 3. NOTICE TO DESTROY WEEDS.

Article 1. Persons Authorized to Give Notice.

14890. The board of supervisors shall designate the person to give notice to destroy weeds. This may be any one of the following: Notice: Giving.

- (a) The county agricultural commissioner.
- (b) The county forester.
- (c) The county board of forestry.
- (d) Any other officer, board, or commission.

Article 2. Contents of Notice.

14891. The notices shall be headed "Notice to destroy weeds," in words not less than one inch in height. Heading.

Form. 14892. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS.

Notice is hereby given that on the ----- day of -----, 19--, the board of supervisors of ----- county passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to ----- street (or road), in said county, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the board of supervisors of said county, to be held (give date), when their objections will be heard and given due consideration.

Dated this ----- day of -----, 19--.

-----,
(Title of officer, board or commission causing notices to be posted.)

Article 3. Posting and Mailing Notice.

Posting. 14893. The notices shall be conspicuously posted in front of the property on which or in front of which the nuisance exists, or if the property has no frontage upon any street, highway or road then upon the portion of the property nearest to a street, highway or road, or most likely to give actual notice to the owner.

Same. 14894. The notices shall be posted not more than one hundred feet in distance apart, but at least one notice shall be posted on each lot or parcel.

Postcard notice. 14895. The notice shall be posted at least five days prior to the time for hearing objections, and postcard notices of hearing shall be mailed to owners who have filed with the board a written request for such postcard notice within one year prior to the date of mailing.

Mailing. 14896. Postcard notices shall be mailed to owners at the address shown on the request for notice, and shall be mailed at least seven days prior to the date of hearing.

14897. The postcard notice is sufficient if substantially in Form. the form of the posted notice.

Article 4. Hearing on Notice.

14898. At the time stated in the notices, the board of Hearing. supervisors shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time.

14899. Upon the conclusion of the hearing the board shall Decision. allow or overrule any or all objections, whereupon the board shall acquire jurisdiction to proceed and perform the work of removal, and the decision of the board on the matter is final.

Article 5. Proceedings After Hearing on Notice.

14900. After final action is taken by the board on the dis- Abatement. position of any protests or objections or in case no protests or objections are received, the board shall order the officer, board or commission causing the notices to be posted to abate the nuisance, or to cause it to be abated by having the weeds removed.

14900.5. If the nuisance is seasonal and recurrent, the Seasonal and recurrent nuisance. board of supervisors shall so declare. Thereafter, such seasonal and recurring weeds shall be abated every year without the necessity of any further hearing.

(Added by Stats. 1939, Ch. 1018.)

14900.6. In the case of weeds which have previously been Notice of seasonal and recurrent nuisance. declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a post card notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

(Added by Stats. 1939, Ch. 1018.)

14901. The officer, board or commission, and his or its Entry upon property. assistants, deputies, employees, or contracting agents, or other

representatives may enter upon private property for the purpose of removing the weeds.

Removal by
property
owner.

14902. Any property owner may have weeds removed at his own expense if it is done prior to the arrival of the officer, board or commission, or his or its representatives to do it.

CHAPTER 4. EXPENSE OF ABATEMENT.

Article 1. Determination and Notice.

Report
of cost.

14905. The officer, board or commission abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel of land and shall render an itemized report in writing to the board of supervisors showing the cost of removing the weeds on or in front of each separate lot or parcel of land, or both.

Posting.

14906. Before the report is submitted to the board of supervisors, a copy of it shall be posted for at least three days on or near the chamber door of the board with a notice of the time when the report will be submitted to the board for confirmation.

Notice.

14907. A postcard notice of the time and place of the submission of the report for confirmation, stating generally the nature of the report, shall be mailed by the board to the owners of the parcels who have filed with the board a written request for postcard notice within one year prior to the date of mailing the notice, at least seven days prior to the date of submission for confirmation.

Article 2. Hearing on Report.

Hearing.

14910. At the time fixed for receiving and considering the report, the board shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement.

Confirma-
tion.

14911. Thereupon the board may make such modifications in the report as it deems necessary, after which, by order or resolution, the report shall be confirmed.

Assessment
and lien.

14912. The amounts of the cost for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments.

Article 3. Collection of Expenses.

14915. A copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. Entry of assessment.

(Amended by Stats. 1939, Ch. 354.)

[ORIGINAL SECTION.]

14915. A copy of the report, as confirmed, shall be turned over to the auditor of the county, before the first business day of September following confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

14916. The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land. Tax bill.

14917. Thereafter the amounts of the assessments shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. Collection.

14918. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes. Laws applicable.

14919. The county tax collector may, in his discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments. Separate bills.

DIVISION XIII. HOUSING.

PART 1. STATE HOUSING ACT.

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS.

15000. This part is known as the "State Housing Act." "State Housing Act."

15001. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this part. Definitions.

15002. "Apartment" means a room or suite of rooms in an apartment house or dwelling occupied, or intended or designed for occupation, by one family for living or sleeping purposes. "Apartment."
(Amended by Stats. 1939, Ch. 477.)

[ORIGINAL SECTION.]

15002. "Apartment" means a room or suite of rooms in an apartment house, hotel, or dwelling occupied, or intended or designed for occupation, by one family for living or sleeping purposes.

"Apartment house."

15003. "Apartment house" means any structure more than one story in height, or any portion of any such structure occupied, or designed, built, or rented for occupation, as a home by three or more families, each living in a separate apartment and cooking within the structure.

"Approved."

15004. "Approved," when used in connection with any material or appliance, means meeting the requirements and approval of the enforcement agency; or, if not meeting the requirements and approval of that agency, meeting the requirements and bearing the approval of the "National Board of Fire Underwriters" or the "Underwriters' Laboratories, Inc."

"Basement."

15005. "Basement" means any portion of a building partially below the levels of the actual adjoining ground, with a ceiling no part of which is less than seven feet above such levels.

"Building."

15006. "Building" means an apartment house, hotel, or dwelling, either singly or in combination.

"Building department."

15007. "Building department" means the officer, department, or agency of a city or county charged with the enforcement of the provisions of this part pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or arrangement of buildings or structures within the city or county.

"Cellar."

15008. "Cellar" means any portion of a building with a ceiling any part of which is less than seven feet above the actual adjoining ground levels.

"City."

15009. "City" means an incorporated city or incorporated city and county.

"Court."

15010. "Court" means any space on a lot, other than a yard, which, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for projections permitted by this part.

"Outer court."

"Outer court" means a court one entire side or end of which is bounded by a front yard, a rear yard, a side yard, a front of lot, a street, or a public alley.

"Inner court."

"Inner court" means any court which is not an "outer court."

"Curb level."

15011. "Curb level" means the curb level opposite the center of a front of lot, or, if a curb level has not been established, the average ground level at a front of lot.

15012. "Dead load" means the weight of a building's walls, partitions, framing, floors, roofs, and similar permanent construction. "Dead load."

"Live load" means all other forms of loading in a building, including the assigned live loads for floors and roofs. "Live load."

15013. "Dormitory" means a room occupied by more than two guests. "Dormitory."

15014. "Dwelling" means any structure, or any portion of a structure, other than an apartment house or hotel, containing one or more apartments or guest rooms. "Dwelling."

15015. "Enforcement agency" means the building department, the housing department, or the Department of Industrial Relations, as the case may be. "Enforcement agency."

15016. "Family" means one person living alone, or a group of two or more persons, whether or not related to each other by birth, living together, in an apartment. "Family."

15017. "Fireproof building" means a building constructed of the materials required by this part in fireproof buildings. "Fireproof building."

15018. "Guest" means any person who rents or occupies a room for sleeping purposes. "Guest."

15019. "Guest room" means a room occupied, or intended, arranged, or designed for occupation, by one or more guests. Every one hundred square feet of superficial floor area in a dormitory is a guest room. "Guest room."

15020. "Hotel" means any structure, or any portion of a structure, including any lodging house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, public club, or private club, containing six or more guest rooms and which is occupied, or is intended or designed for occupation, by six or more guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint. "Hotel."

15021. "Housing department" means the officer, department, or agency of a city or county charged with the enforcement of the provisions of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of buildings within the city or county. "Housing department."

15022. "Kitchen" means any room used, or intended or designed to be used, for cooking and preparing food. "Kitchen."

"Lot." 15023. "Lot" means a parcel or area of land on which is situated a building, together with the yards, courts, and unoccupied spaces required by this part for the building, and which is owned by, or is in the lawful possession of, the owner of the building.

"Corner lot." "Corner lot" means a lot situated at the junction of two or more intersecting streets, with a boundary line bordering on each of the streets. The owner of such lot or his authorized agent may designate either street frontage as the front of lot for the purpose of determining its width.

"Interior lot." "Interior lot" means a lot which is not a corner lot. All parts of the width of a corner lot which are more than seventy-five feet distant from the junction point of the intersecting streets comprise an interior lot.

"Front of lot." "Front of lot" means the boundary line of a lot bordering on a street. In the case of a corner lot, either street frontage may be the front of lot.

"Rear of lot." "Rear of lot" means the boundary line opposite the front of lot.

"Depth of lot." "Depth of lot" means the mean distance from the front of lot to the rear of lot.

"Nuisance." 15024. "Nuisance" includes:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) Overcrowding a room with occupants.

(d) Insufficient ventilation or illumination.

(e) Inadequate or insanitary sewerage or plumbing facilities.

(f) Uncleanliness.

(g) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

"Occupied space." 15025. "Occupied space" means all the space covered by a building, including that covered by the building's outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding thirty-two square feet in area, and cornices which project farther into a court or yard than is permitted by this part.

For the purpose of determining occupied space, the area of a building shall be measured at its lowest story or portion thereof used for living or sleeping purposes.

"Plaster-board." 15026. "Plasterboard" means any type of wall board used as a base for plastering.

"Public hallway." 15027. "Public hallway" means a hallway, corridor, passageway, vestibule, stairway, landing, or platform in an apartment house or hotel; but not within an apartment, if in an apartment house, or within a suite of rooms, if in an hotel.

15028. "Semifireproof building" means a building constructed of the materials required by this part in semifireproof buildings. "Semifireproof building."

15029. "Shaft" means any shaft used for air, light, or ventilation, or for an elevator or dumb-waiter. "Shaft."

A vent shaft is one used solely to ventilate or light a water-closet compartment or bath room.

15030. "Street" means any street, alley, thoroughfare, or park not less than sixteen feet in width, measured from the front of lot to the opposite front of lot, which has been dedicated or deeded to the public for public use. "Street."

15031. "Superficial floor area" means all floor area exclusive of that occupied by built-in dressers, clothes presses, or similar fixtures which are built into and are a substantial part of a building, and are not readily removable. "Superficial floor area."

15032. "Window" includes any French door or window. "Window."

15033. "Wooden building" means a building which does not fully comply with the provisions of this part pertaining to materials required in the construction of either a fireproof or a semifireproof building. "Wooden building."

15034. "Yard" means any space on a lot other than a court, which is open and unobstructed from the ground to the sky, except for projections permitted by this part. "Yard."

"Front yard" means a yard between the front line of a building and the front boundary line of the lot on which the building is situated. "Front yard."

"Rear yard" means a yard between the extreme rear line of a building and the rear of the lot on which the building is situated. "Rear yard."

"Side yard" means a yard which extends from a rear yard to a front yard or front of lot. "Side yard."

CHAPTER 2. APPLICATION AND SCOPE.

15151. The provisions of this part which relate to apartment houses and hotels apply in all parts of the State. The provisions of this part which relate to dwellings apply only in cities. Scope of part.

15152. The provisions of this part constitute minimum requirements for the protection, health, and safety of the public and of the occupants of apartment houses, hotels, and dwellings. Minimum requirements.

15153. The governing body of any city or county may enact ordinances or laws imposing restrictions greater than Local ordinances.

those imposed by this part, or prescribing fees for permits, certificates, or other papers required by this part.

**Conform-
ance:** 15154. Except as otherwise permitted or required by this part:

**Alter-
ations, etc.** (a) Any alteration, installation, or change in, including use or occupancy, or reconstruction of, any building shall meet the requirements of this part relating to that building.

**Replace-
ments.** (b) Any lawfully existing fixture, construction, or arrangement in a building may be replaced in kind.

**Use
conversion.** 15155. Any building or structure not erected for use as an apartment house, hotel, or dwelling, which is converted to or altered for such use, shall conform to all the provisions of this part affecting an apartment house, hotel, or dwelling, as the case may be.

Relocation. 15156. Any apartment house, hotel, or dwelling which is moved shall conform to all the provisions of this part affecting any such building pertaining to:

(a) Percentage of unoccupied area.

(b) Heights.

(c) The size of:

(1) Outer courts.

(2) Inner courts bounded by a lot line.

(3) Yards.

**Reconstruc-
tion follow-
ing damage.** 15157. If it is reconstructed, any building which has been damaged by fire or the elements to an extent in excess of sixty per cent of its physical proportion, shall conform to all the provisions of this part.

**Combination
apartment
house-hotel.** 15158. In any building erected as, or altered or converted into, a combined apartment house and hotel every portion used for apartment house purposes, including each apartment, shall comply with all the apartment house requirements of this part; and every portion used for hotel purposes, including each guest room and dormitory, shall comply with all the hotel requirements of this part.

CHAPTER 3. ADMINISTRATION AND ENFORCEMENT.

Article 1. Enforcement Agencies.

**In cities:
Building
department.** 15250. The building department of every city shall enforce within the city all the provisions of this part pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or arrangement of apartment houses, hotels, or dwellings.

**Housing
or health
department.** 15251. The housing department or, if there is no housing department, the health department, of every city shall enforce

within the city all the provisions of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings.

15252. If there is no building department, housing department, or health department in a city, the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation, or occupancy of buildings, or of the police, fire, or health regulations, in the city, shall enforce within the city all the provisions of this part.

Where no building, housing or health department.

15253. In every county the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, occupancy, or ventilation of buildings, or of the police, fire, or health regulations, in the county, shall enforce, outside the territorial limits of any city, all the provisions of this part pertaining to apartment houses and hotels.

Outside cities: County enforcement officer.

15254. Any city or county may designate and charge by charter or ordinance any department or officer, other than a department or officer mentioned in this chapter, with the enforcement of any or all of the provisions of this part within its territorial limits.

Designation of department or officer.

15255. The Department of Industrial Relations may enforce, outside the territorial limits of any city, all the provisions of this part pertaining to apartment houses and hotels.

Department of Industrial Relations.

The Department of Industrial Relations may enforce within any city any provision of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of buildings which it finds has been or is being violated, after it has given the housing department of the city written notice of the violation and that department has failed to correct the violation within the following thirty days.

Article 2. Inspection.

15270. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part which the enforcement agency has the power to enforce.

By enforcement agency.

15271. The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part.

By building owner.

15272. No person authorized by this article to enter buildings shall enter any dwelling between the hours of six o'clock

Restrictions.

p.m. of any day and six o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

Article 3. Actions and Proceedings.

Action:
Institution.

15290. If any building is constructed, altered, converted, or maintained in violation of any provision of, or of any order or notice issued by an enforcement agency pursuant to, this part, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

Relief
pending
judgment.

15291. An enforcement agency which institutes any action or proceeding pursuant to this article may, by verified complaint setting forth the facts, apply to the superior court, or to any judge of the superior court, for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

Order for
nuisance
abatement,
etc.

15292. If any notice or order issued by an enforcement agency is not complied with, the enforcement agency may apply to the superior court, or to any judge of the superior court, for an order authorizing it to remove any violation or abate any nuisance specified in the notice or order.

Who may
make order.

15293. The superior court, or any judge of the superior court, may make any order for which application is made pursuant to this article.

Liability
for costs.

15294. Neither an enforcement agency, any of its officers, nor any city for which an enforcement agency may act, is liable for costs in any action or proceeding that the enforcement agency may commence pursuant to this article.

Procedure.

15295. Except as otherwise specified in this article, the procedure in any action or proceeding instituted pursuant to this article shall be as set forth in the charter or ordinances of the city in which the action or proceeding arose.

Notice of
pending
action:
Filing.

15296. Any enforcement agency which institutes an action or proceeding pursuant to this article may file a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The notice may be filed at the time of the commencement of the action or proceeding, or at any time before final judgment or order. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure.

15297. The county recorder with whom a notice of pendency of action or proceeding is filed shall record and index it in the name of each person to be specified in a direction subscribed by an officer of the enforcement agency instituting the action or proceeding. Recording.

15298. Any notice of pendency of action or proceeding may be vacated upon the order of a judge of the court in which the action or proceeding is pending. Upon the presentation and filing of a certified copy of the order, the recorder of the county where the notice is filed shall mark the notice and any record of the notice as canceled of record. Vacating.

15299. In any action or proceeding brought pursuant to this article, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure. Service:
Summons.

15300. Every notice or order issued pursuant to this part shall be served five days before the time for doing or refraining from doing the thing to which it pertains. Notice or
order.

Article 4. Records.

15315. In every city, the owner, lessee, or other person in control of an apartment house or hotel shall file with the housing department a notice containing the following information: Notices:
Property
description.

- (a) His name and address.
- (b) A description of the property, by street and number or otherwise, of such character as will enable the department to locate it easily.
- (c) If an apartment house:
 - (1) The number of apartments.
 - (2) The number of rooms in each apartment.
 - (3) The number of families occupying the apartments.
- (d) If an hotel, the number of rooms.

15316. Within thirty days after the ownership in any apartment house or hotel is transferred the transferee shall file with the housing department a notice of the transfer to him. Ownership
transfer.

15317. If the owner of an apartment house or hotel dies leaving the property by will, within thirty days after the probate of the will the executor of the will, and any person to whom he leaves the property, if over the age of twenty-one years, shall file with the housing department a notice stating the fact of the owner's death and the name of the person who has succeeded to the property. Death of
owner.

If the owner of an apartment house or hotel dies without a will, within thirty days after his death his heirs or, if all his heirs are under the age of twenty-one years, the adminis-

trator of his estate, shall file with the housing department the notice mentioned in this section.

Name of
owner or
agent.

15318. In every city, the owner or lessee of an apartment house or hotel, or the agent of either, shall file with the housing department a notice containing the following information:

(a) The name and address of the owner or lessee; or of an agent of either upon whom process may be served.

(b) A description of the property, by street and number or otherwise, of such character as will enable the department to locate it easily.

Indices.

15319. Each housing department shall index the notices required to be filed with it pursuant to this article so that all of those relating to a particular apartment house or hotel will be indexed together and readily ascertainable. The indices are public records, and shall be open to public inspection during business hours.

CHAPTER 4. PERMITS AND CERTIFICATES.

Article 1. Building Permits.

Permit
required.

15351. No person shall erect, construct, reconstruct, move, convert, or alter a building within any city unless he has obtained a written permit for that purpose from the building department.

Exception.

The department may allow any person to make changes, alterations, or repairs to or in a dwelling without a permit, if the work is to be of a minor nature and will not affect the structural features, or the sanitation, ventilation, or safety of the dwelling.

Application.

15352. Any person desiring a permit shall file an application therefor with the building department.

Contents.

15353. The application shall be made upon forms to be furnished by the department and shall contain:

(a) The name and address of the applicant.

(b) The name and address of his architect or his contractor, if he has an architect or contractor.

(c) A detailed written statement of the work to be done.

Work
plans, etc.

15354. The applicant shall file with his application:

(a) A complete set of the plans of the work proposed.

(b) A set of specifications describing the materials to be used in the work.

(c) A plan of the lot on which the work is to be performed, which shall clearly indicate an outline of any existing building or structure on the lot.

Exception.

15355. The building department may issue a permit to make nominal alterations or repairs in an apartment house

or hotel without requiring the filing of plans and specifications, if the alterations or repairs will not affect the structural features, sanitation, or ventilation of the building.

15356. The building department shall examine the application, plans, and specifications filed with it by an applicant, and if it appears that the work to be done will not result in a violation of this part, shall approve them and issue a permit to the applicant. Issuance.

15357. The building department may approve changes in any application, plans, or specifications previously approved by it. Changes.

15358. The building department may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this part, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee. Revocation.

15359. The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee. Performance of work.

15360. The issuance of a permit does not constitute approval of any violation of any provision of this part. Effect of issuance.

15361. An approved copy of the plans and specifications filed in connection with any work for which a permit is issued shall be kept upon the building or premises in respect to which the work is authorized, from the commencement to the final completion of the work. Approval shall be evidenced by a stamp or writing of the building department upon the copy. The copy shall be subject to the inspection of proper authorities at all times. Copy of approved plans.

15362. The authority granted by a permit shall expire if the work authorized is not commenced within ninety days from the date on which the permit is issued, or if the work is suspended for a period of ninety days after it is commenced. Before proceeding further with the work a new permit shall be obtained. Termination.

Article 2. Certificate of Final Completion and Permit of Occupancy.

15380. The owner or lessee of any apartment house or hotel erected, constructed, reconstructed, moved, converted, or altered in any city shall obtain a "certificate of final completion" from the building department of the city. Certificate required.

15381. He shall file with the building department a written application for the certificate containing a description of the Application.

Issuance. work performed. The department shall inspect the work within ten days after the application is filed, and, if it meets the requirements of this part, shall issue the certificate to him.

Permit of occupancy. 15382. The owner or lessee of any of the following buildings erected, constructed, reconstructed, moved, converted, or altered in any city shall obtain a permit of occupancy from the housing department of the city:

(a) An apartment house; excluding an apartment house occupied by four or less families erected prior to August 17, 1923, and which has not been reconstructed, moved, converted, or altered since that date.

(b) An hotel.

Application. Issuance. 15383. He shall file with the housing department a written application for the permit, together with any certificate of final completion issued for the building. If the department finds that no violations of this part have occurred since the issuance of the certificate, the department shall issue a permit to him. He does not have to file a certificate if a certificate is not required for the building; but in such case the department shall issue a permit to him only after it finds that the building conforms to the provisions of this part regarding sanitation.

Validity. 15384. A permit of occupancy is valid from the date of its issuance until revoked.

Display. 15385. The person to whom a permit of occupancy is issued shall display it in a conspicuous place in the building to which it pertains so that it may be readily seen by the authorized representative of any enforcement agency.

Duplicates. 15386. Any permit or certificate issued pursuant to this article shall be made in duplicate and a copy shall remain on file with the department which issued it.

Prohibition. 15387. No person shall occupy, or permit the occupation of, any apartment house or hotel for which a certificate of final completion and a permit of occupancy are required, until the certificate and permit have been issued.

Unlawful structure. 15388. Any apartment house or hotel for which a certificate of final completion or a permit of occupancy is required which is occupied prior to the issuance of the certificate or permit, is an unlawful structure. The enforcement agency may have it vacated, and it shall not be occupied thereafter until the certificate or permit has been obtained.

CHAPTER 5. BUILDINGS ON SAME LOT.

Article 1. Distances Between.

15500. No building, and no structure, except the garage Distance between buildings. permitted by this article, shall be placed on the front or the rear of any interior lot on which an apartment house or hotel is situated within a distance of twenty feet from the apartment house or hotel, plus two additional feet for every story over two of the highest building or structure on the lot.

15501. A structure not more than one story in height to Garage. be used as a garage solely by the occupants of an apartment house may be erected on the rear of an interior lot on which an apartment house is situated within a distance of twenty feet from the apartment house, if it will not encroach upon or occupy any portion of the lot required to be used or left vacant for use as a rear yard.

Article 2. Rear Building Passageway.

15520. A building may be erected to the front or rear of Required passageway. another building if a passageway, open and unobstructed to the sky and not less than ten feet in width, extending from the front of the rear building to the front line of the lot on which the buildings are situated, is provided. If the front building is more than two stories in height, the passageway shall be increased two feet in width, open, and unobstructed to the sky, for each additional story.

15521. If the rear building is a dwelling, or an apartment Exception. house not more than two stories in height accommodating not more than two families on the second story, the passageway need not be provided if there is access, open and unobstructed to the sky and at least ten feet in width, from such building to a street other than the street fronting the lot, or to an alley not less than ten feet in width.

15522. If there are only two one-story dwellings on one lot, Dwellings. each accommodating not more than two families, the passageway required by this article may be not less than five feet in width.

15523. Ownership in any passageway required by this Ownership. article shall be in the owner of the building for which the passageway is required.

CHAPTER 6. UNOCCUPIED AREA.

15600. At least ten per cent of every corner lot on which Corner lot. an apartment house is erected shall be left unoccupied.

Interior lot. 15601. At least twenty-five per cent of every interior lot on which an apartment house is erected shall be left unoccupied.

Computation. 15602. If either a corner or interior lot on which an apartment house is erected extends from one street to another street, a public alley, or public park, one-half of the width of the narrowest street, public alley, or public park to which the lot abuts may be considered a part of the lot in computing the percentage of the lot to be left unoccupied; but if such one-half is greater than the depth of the rear yard required for the apartment house, then only as much as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of the lot to be left unoccupied.

Exception. 15603. If an apartment house is not more than two stories in height and is built to accommodate not more than two families above the first story, the percentage of lot to be left unoccupied may be not less than one-half of that prescribed by this chapter.

Projecting windows. 15604. If the required unoccupied area of a lot is located on the rear of, and behind the apartment house on, the lot in such manner that the depth of the rear yard of the building is increased to a depth greater than that required by this part, bay windows may project into the unoccupied area from any floor above the first floor of the building, subject to the following conditions:

(a) The windows shall not project more than three feet into the unoccupied area.

(b) No window shall contain more than fifteen square feet of superficial floor area.

(c) The windows shall be at least four feet apart.

(d) No window shall project into any part of the minimum unoccupied rear yard space required by this part.

CHAPTER 7. YARDS AND COURTS.

Article 1. General Provisions.

Single yard. 15650. A single yard or court shall not serve two buildings.

Projections: Cornices, etc. 15651. A cornice, belt course, or similar projection on a building may extend:

(a) Into an outer court, two inches for each one foot of the width of the court.

(b) Into an inner court, one inch for each one foot of the width of the court.

(c) Any distance desired into any court if the minimum required width of the court is maintained open and unobstructed.

Same. 15652. A cornice or similar projection may extend into a yard the distance permitted in the case of an outer court.

15653. Outside stairways, platforms, and balconies constructed of open metal work, and fire escapes may extend not more than four feet beyond the exterior walls of a building into a yard or court, if they do not obstruct the light and ventilation of rooms or apartments within the building.

Outside stairways, etc.

A retaining wall may extend not more than twelve inches into a yard or court.

15654. In an apartment house or hotel every recess from a court, yard, or street shall be not less in width than its depth. It shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in which there are rooms it is designed to serve.

Recess.

15655. The area of the recess shall not be included in computing the area of a court or yard.

Same.

Article 2. Yards.

15680. There shall be a rear yard immediately behind every apartment house on the lot on which the latter is situated.

Rear yard: Apartment house.

15681. The yard shall extend, open and unobstructed to the sky, across the entire width of the lot from the lowest floor of the apartment house used for living or sleeping purposes.

Extent.

15682. The rear yard of an apartment house on an interior lot shall have a depth not less than that set forth in the following table:

Depth: On interior lot.

Height of Apartment House Measured From Top of Rear Wall of Building to Ground	Depth of Rear Yard
Not exceeding 36 feet-----	10 feet
More than 36 but not exceeding 48 feet-----	11 feet
More than 48 but not exceeding 60 feet-----	12 feet
More than 60 but not exceeding 72 feet-----	14 feet
More than 72 but not exceeding 84 feet-----	16 feet
More than 84 but not exceeding 96 feet-----	18 feet
Exceeding 96 feet-----	20 feet

15683. The rear yard of an apartment house on a corner lot shall have a depth not less than that set forth in the following table:

On corner lot.

Depth of Lot	Depth of Rear Yard
Not exceeding 100 feet-----	10 per cent of depth of lot, minimum width required for outer court of the apartment house, or five feet, whichever is the greater.

Exceeding 100 feet----- Minimum width required for outer court of apartment house, or ten feet, whichever is the greater.

Exception.

15684. In the case of an apartment house not more than two stories in height, designed or built to accommodate not more than two families above the first story, the depth of the rear yard may be one-half of that prescribed by this article, but not less than five feet.

Uniform depth.

15685. A rear yard of an apartment house designed to exceed seventy-five feet in width and situated on both a corner and interior lot may be of a uniform depth the entire width of the lots. In computing the uniform depth, the area of the portion of the yard on the interior lot shall be added to the area of the portion of the yard on the corner lot.

Computation.

15686. If either a corner or interior lot extends from one street to another street, a public alley, or public park, one-half of the width of the street, public alley, or public park which is the narrowest may be considered a part of the lot in computing the minimum depth of a rear yard of an apartment house.

Access to street.

15687. Every apartment house rear yard not bordering on a street or public alley shall have access to a street or public alley by means of an unobstructed passageway not less than three feet in width nor less than seven feet in height. Any portion of the passageway which passes through a building shall be constructed of approved incombustible materials; or shall be lathed with metal lath plastered not less than three-quarters of an inch thick, or lined with not less than number 26 gauge galvanized iron on solid sheathing of not less than thirteen-sixteenths inch boards.

Apartment house-hotel.

15688. Every building erected as, or altered or converted into, a combined apartment house and hotel shall be provided with the rear yard required by this article for apartment houses.

Space.

15689. The space beneath a rear yard of an apartment house on an interior lot shall not exceed one story, which shall not be more than eight feet six inches in height from the floor to the ceiling. Fireproof material shall be used in the construction of the floor of the yard and of the space beneath it.

Rear yard: Hotel.

15690. The depth of a rear yard of any hotel designed to have a rear yard shall be not less than the minimum width of an inner court bounded on one side by a lot line specified in this chapter for an hotel of the same height.

Computation.

15691. If the lot on which an hotel is situated extends from one street to another street, a public alley, or public park, one-

half of the width of the street, alley, or park may be considered a part of the lot in computing the depth of a rear yard on the lot.

15692. The depth of a rear yard for an apartment house or hotel shall be measured at right angles from the extreme rear line of the building towards the rear lot line of the lot on which the building is situated.

Measurement.

15693. The depth of a rear yard of a dwelling designed to have a rear yard shall be not less than four feet.

Rear yard:
Dwelling.

15694. Every front yard excavated below the curb or adjoining ground levels for the purpose of furnishing light and ventilation for a basement shall not be less in width than the width specified in this chapter for an outer court of the building on the lot on which the yard is situated.

Front yard

15695. The width of a side yard shall be not less than the minimum width specified in this chapter for an outer court of the building on the lot on which the yard is situated; but if there is a side yard on each side of the building, connected together at the rear of the building by a rear yard, the width of each side yard may be reduced twelve inches.

Side yard.

Article 3. Courts.

15730. An outer court of an apartment house shall have a minimum width and maximum length corresponding to that set forth in the following table:

Outer court:
Apartment
house.

Height of Apartment House in Stories Upwards From and Including the Lowest Story in Which There Is an Apartment	Minimum Width of Outer Court in Every Part	Maximum Length of Outer Court
2 stories-----	4 feet 0 inches	-----
3 stories-----	4 feet 6 inches	25 feet
4 stories-----	5 feet 0 inches	30 feet
5 stories-----	6 feet 0 inches	35 feet
6 stories-----	7 feet 0 inches	35 feet
7 stories-----	8 feet 0 inches	40 feet
8 stories-----	9 feet 0 inches	40 feet
9 stories-----	10 feet 0 inches	40 feet
10 stories-----	11 feet 0 inches	40 feet
11 stories-----	12 feet 0 inches	40 feet
12 stories-----	13 feet 0 inches	40 feet
13 stories-----	14 feet 0 inches	40 feet
14 or more stories-----	15 feet 0 inches	40 feet

Exception. 15731. There is no maximum length for an apartment house outer court bounded on one side for its entire length by a lot line.

Additional width. 15732. Except in the case of a court of an apartment house not more than two stories in height, six inches shall be added to the minimum width of each apartment house outer court the maximum length of which is prescribed by this article for each five, or fractional part of five, feet that the length of the court exceeds the maximum length.

Width computation. 15733. If an outer court of an apartment house is bounded by a public alley or public park, the width of the alley or park may be considered a part of the lot in determining the required width of the court.

Outer court: Hotel. 15734. An outer court of an hotel shall have a minimum width corresponding to that set forth in the following table:

Height of Hotel in Stories Upwards From and Including the Lowest Story in Which There Is a Guest Room or Dormitory	Minimum Width of Outer Court in Every Part
1 and 2 stories-----	4 feet 0 inches
3 stories-----	4 feet 6 inches
4 stories-----	5 feet 0 inches
5 stories-----	6 feet 0 inches
6 stories-----	7 feet 0 inches
7 stories or more-----	8 feet 0 inches

Dwelling. 15735. The provisions of this article applicable to outer courts of apartment houses two stories in height are also applicable to outer courts of dwellings.

Inner court: Apartment house. 15736. An apartment house inner court, except one bounded on one side for its entire length by a lot line, shall

have a minimum width and area corresponding to that set forth in the following table:

Height of Apartment House in Stories Upwards From and Including the Lowest Story in Which There Is an Apartment	Minimum Width of Inner Court in Every Part	Minimum Area of Inner Court in Square Feet
2 stories-----	6 feet	75 square feet
3 stories-----	7 feet	120 square feet
4 stories-----	9 feet	160 square feet
5 stories-----	12 feet	250 square feet
6 stories-----	16 feet	400 square feet
7 stories-----	20 feet	625 square feet
8 stories or more-----	24 feet	840 square feet

15737. An apartment house inner court bounded on one side for its entire length by a lot line shall have a minimum width and area corresponding to that set forth in the following table: Same.

Height of Apartment House in Stories Upwards From and Including the Lowest Story in Which There Is an Apartment	Minimum Width of Inner Court in Every Part	Minimum Area of Inner Court in Square Feet
2 stories-----	5 feet	60 square feet
3 stories-----	6 feet	120 square feet
4 stories-----	7 feet	175 square feet
5 stories-----	9 feet	225 square feet
6 stories-----	12 feet	360 square feet
7 stories-----	15 feet	525 square feet
8 stories or more-----	18 feet	630 square feet

15738. Any inner court of an apartment house accommodating not more than two families above the first story may have a width one foot less than the minimum width otherwise required by this article, but the area of the court shall be not less than sixty square feet. Exception.

15739. An hotel inner court, except one bounded on one side for its entire length by a lot line, shall have a minimum Inner court:
Hotel.

width and length corresponding to that set forth in the following table:

Height of Hotel in Stories Upwards From and Including the Lowest Story in Which There is a Guest Room or Dormitory	Minimum Width of Inner Court in Every Part	Minimum Length of Inner Court
1 and 2 stories-----	5 feet	9 feet
3 stories-----	7 feet	10 feet
4 stories-----	10 feet	12 feet
5 stories-----	10 feet	16 feet
6 stories-----	12 feet	18 feet
7 stories-----	14 feet	20 feet
8 stories or more-----	16 feet	22 feet

Same.

15740. An hotel inner court bounded on one side for its entire length by a lot line shall have a minimum width and length measured as and corresponding to that set forth in the following table:

Height of Hotel in Stories Upwards From and Including the Lowest Story in Which There is a Guest Room or Dormitory	Minimum Width of Court in Every Part Measured at Right Angles to Lot Line	Minimum Length of Court Measured Parallel to The Lot Line
1 and 2 stories-----	4 feet	9 feet
3 stories-----	5 feet	10 feet
4 stories-----	6 feet	10 feet
5 stories-----	7 feet	10 feet
6 stories-----	8 feet	12 feet
7 stories-----	9 feet	13 feet
8 stories or more-----	10 feet	14 feet

Dwelling.

15741. An inner court of a dwelling shall have a width not less than the minimum width required for an outer court of the dwelling, and shall contain an area of not less than forty square feet.

15742. Every inner court in an apartment house or hotel shall be provided with a door or window at or near its bottom permitting access to the court for cleaning purposes. Access
to court.

15743. Every inner court of an apartment house more than two stories in height from the lowest floor containing apartments shall be provided with an horizontal intake at its bottom, extending directly to a front of lot, front yard, rear yard, side yard, street, public alley, or public park. Intake:
Apartment
house.

15744. The intake of an apartment house inner court shall consist of any of the following: Same.

(a) An unobstructed duct or passageway having a minimum width of three feet in all its parts, and a minimum height of six feet six inches.

(b) An unobstructed open duct containing an interior aggregate area of not less than nineteen and one-half square feet, no dimension of which is less than three feet, covered at each end with a wire screen with a mesh one-half inch in diameter.

(c) If the inner court does not extend below the second floor level, an unobstructed open duct or ducts, containing an interior aggregate area of not less than ten square feet, no dimension of which is less than twelve inches, covered at each end with a wire screen with a mesh one-half inch in diameter.

15745. Every inner court of an hotel more than two stories in height from the lowest floor containing guest rooms shall be provided with an horizontal intake at its bottom. Hotel.

15746. The intake of an hotel inner court shall consist of an unobstructed open duct containing an aggregate area of not less than five square feet, covered at each end with a wire screen with a mesh one-half inch in diameter. Same.

15747. Every inner court intake shall be (a) constructed of approved incombustible materials, (b) lathed with metal lath plastered not less than three-quarters of an inch thick, or (c) sheathed solidly with not less than twenty-five thirty-seconds inch boards covered with at least number 26 gauge galvanized iron. Materials.

15748. Every inner court intake shall be closed at each end with a gate or grill having not less than seventy-five per cent open work. Gate.

15749. Every inner court intake shall be drained, and shall be so constructed that it may be readily cleaned. Drain.

15750. If they are surrounded on four sides by the walls of the building, the walls of every inner court of a semi- Walls.

fireproof or wooden apartment house or hotel shall be constructed either of the materials specified for the inner court walls of fireproof buildings; or of wood studs, with fire stops between the studs at each floor and halfway between each floor, lathed on both sides with metal lath plastered not less than three-quarters of an inch thick.

The weather side of any such wall shall either be plastered with Portland cement plaster, or shall be sheathed solidly with not less than thirteen-sixteenths inch boards, covered with metal of not less than number 26 gauge.

CHAPTER 8. HEIGHT OF BUILDINGS.

Building
height.

15850. For the purpose of this chapter:

(a) The height of a building is the perpendicular distance from the actual adjoining sidewalk or ground level to the lowest point of the finished ceiling of the top story of the building.

Street
width.

(b) The width of a street is measured from the extreme front of a building to the front of lot directly across the street.

Semifire-
proof
building.

15851. The height of a semifireproof apartment house or hotel shall not exceed six stories at any point nor more than two times the width of the widest street abutting the lot on which the building is situated.

Wooden
building.

15852. The height of a wooden apartment house or hotel shall not exceed any of the following:

(a) Three stories for living or sleeping purposes at any point.

(b) More than two times the width of the widest street abutting the lot on which the building is situated.

(c) Fifty feet at any point above the adjoining sidewalk or actual ground levels.

Exception.

15853. The height of a semifireproof or wooden apartment house or hotel may be more than two times the width of the widest street abutting the lot on which the building is situated, subject to the following conditions:

(a) That each story above that height is set back not less than six feet from the street facade of the story immediately below it.

(b) That any other height limit applicable to the building is not exceeded.

Basement.

15854. Any wooden apartment house or hotel with not more than three stories for living or sleeping purposes at any point may have, in addition, a basement with a ceiling height of not more than eight feet above the adjoining sidewalk or ground levels. If, however, the basement contains any room used for living or sleeping purposes, it shall be counted as a story for living or sleeping purposes.

CHAPTER 9. BASEMENTS.

15901. No room in a basement of an apartment house or hotel shall be constructed, altered, or occupied for living or sleeping purposes unless it conforms to all the requirements of this part for living or sleeping rooms in other parts of the building.

Rooms.

15902. The walls and floor of every basement which are below the ground level shall be waterproof and dampproof, and, whenever ordered by the enforcement agency, the walls and ceiling shall be plastered.

Walls and floor.

15903. Every basement shall be ventilated.

Ventilation.

15904. If the ground adjoining a basement is excavated to or below the curb level, or to or below the adjoining natural ground level, the excavated space shall not be less in width than the minimum width specified in this part for the outer courts of the building in which the basement is situated.

Excavation.

CHAPTER 10. LOWER FLOOR AIR SPACE.

16000. There shall be a clear air space of at least eighteen inches under the lowest floor, unless it is masonry floor, of every apartment house, hotel, or dwelling, measured from the under side of the floor joists to the surface directly beneath the floor joists.

Air space.

The clearance between the girders supporting the joists and the surface directly beneath the girders shall be at least twelve inches.

Clearance.

16001. The air space shall be inclosed and provided with a sufficient number of openings with screens, lattice work, or similar installations of a size to insure ample ventilation.

Ventilation.

16002. The air space shall be kept clean and free from any accumulation of rubbish, debris, or filth.

Sanitation.

CHAPTER 11. ROOM AND HALLWAY DIMENSIONS.

Article 1. Room Dimensions.

16050. Except as otherwise provided in this chapter, the provisions of this chapter do not apply to any of the following:

Exceptions.

- (a) A water-closet, bath, or slop-sink compartment.
- (b) A closet.
- (c) A recess from a room.
- (d) A dressing room.
- (e) An entertainment, amusement, or reception room.
- (f) A dormitory.

16051. In every apartment in an apartment house at least one room shall contain not less than one hundred twenty

Floor area: Apartment house.

square feet of superficial floor area, and every other room shall contain not less than ninety square feet of superficial floor area.

Hotel.

16052. Each guest room in an hotel shall contain not less than ninety square feet of superficial floor area. However, the superficial floor area in the room may be not less than seventy square feet if:

(a) The required aggregate window area in the room is not less than sixteen square feet.

(b) It is not occupied or designed for occupancy by more than one person.

Dwelling.

16053. Each room in a dwelling designed, built, or intended for sleeping purposes shall contain not less than eighty square feet of superficial floor area.

Kitchen.

16054. Every kitchen in an apartment house or dwelling shall contain not less than fifty square feet of superficial floor area.

Width.

16055. The minimum width of every room, except a kitchen, in an apartment house, of every room in an hotel, and of every room designed, built, or intended for sleeping purposes in a dwelling shall be not less than seven feet at any point within that portion of the room included in any computation of the minimum allowable floor area of the room.

Ceiling
height:
Apartment
house; hotel.

16056. Every room in an apartment house more than two stories in height or in an hotel shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. In any such room required to have a minimum superficial floor area, the cubic air content shall not be less than a cubic air content computed on the basis of a nine-foot ceiling height, measured from the finished floor to the finished ceiling.

(Amended by Stats. 1939, Ch. 477.)

[ORIGINAL SECTION.]

16056. Every room in an apartment house or hotel shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. In any room required to have a minimum superficial floor area, the cubic air content shall not be less than a cubic air content computed on the basis of a nine-foot ceiling height, measured from the finished floor to the finished ceiling.

Dwelling.

16057. Every room in a dwelling or in an apartment house not more than two stories in height shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling.

(Amended by Stats. 1939, Ch. 477.)

[ORIGINAL SECTION.]

16057. Every room in a dwelling shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling.

16058. If any room in any building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area of the room. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area of the room, nor shall any portion of the room inclosure have a clear ceiling height of less than three feet.

Sloping ceiling.

16059. Any room added to any building shall have a ceiling height not less than that permitted in any other room on the story on which it is added, or not less than seven feet six inches, whichever is greater.

Added room.

If the added room has a sloping ceiling, the minimum ceiling height is required in only one-half its area. However, the clear ceiling height shall not be less than three feet in every portion of the room inclosure, and the cubic air content of the room shall not be less than a cubic air content computed on the basis of a clear ceiling height of seven feet six inches in every portion of the room. If a minimum superficial floor area is required in the room, no portion of the room in which the ceiling height is less than five feet, measured from the finished floor to the finished ceiling, shall be included in the computation of the area.

16060. Every water-closet compartment in any building shall be at least thirty inches in clear width.

Water-closet compartment: Width.

16061. Every water-closet, bath, or slop-sink compartment, and every closet or recess from a room shall have a ceiling height of not less than seven feet six inches, measured from the finished floor to the finished ceiling. If it has a sloping ceiling the minimum ceiling height is required in only one-half of its area.

Ceiling height.

16062. Every closet, recess from a room, or dressing room containing more than twenty-five square feet of superficial floor area in an apartment house designed and built to accommodate three or more families above the first story, and in an hotel shall conform to all of the provisions of this part applicable to rooms in the building.

Closets, etc.

16063. Every amusement, entertainment, reception or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than eight feet.

Amusement rooms, etc.

Article 2. Hallway Dimensions.

16100. A public hallway from a stairway shall be measured in the same manner as the stairway; shall be not less than three feet six inches in width; and shall have a ceiling height

Public hallway

of not less than eight feet, measured from the finished floor to the finished ceiling.

If there are furred or occasional structural beams in the finished ceiling, the distance between the bottom of the beams and the finished floor shall not be less than seven feet six inches.

Added
hallway.

16101. Any hallway added to any building shall have a ceiling height not less than that permitted in any other hallway on the same story on which it is added, or not less than seven feet six inches, whichever is greater.

CHAPTER 12. WINDOWS AND SKYLIGHTS.

Article 1. Buildings Erected Prior to August 17, 1923.

Scope of
article.

16200. The provisions of this article apply only to buildings erected prior to August 17, 1923.

Window.

16201. Every room occupied for living or sleeping purposes in an apartment house or hotel shall have a window of an area not less than eight square feet, opening directly upon a street, yard, or court; or upon an open and unobstructed shaft, without a roof or skylight over it, not less than twenty-five square feet in area and in no part less than four feet in width.

Skylight,
etc.

16202. If a room is on the top floor of the building it may be ventilated by a skylight with fixed or movable louvers opening directly to the outer air; or it may have a window opening upon a vent shaft not less than ten square feet in area, if the window is not more than three feet below the top of the shaft wall.

Glass area.

16203. Unless the skylights met the requirements that were in effect when they were installed, they shall have an effective horizontal area of glass not less than eight square feet, and shall be provided with louvers containing a ventilating area of not less than four hundred square inches.

Public
hallway.

16204. Any public hallway in an apartment house or hotel which does not meet the requirements of this part for public hallways shall be provided with light and ventilation to the outer air. The light and ventilation shall be provided by making alterations satisfactory to the enforcement agency.

Article 2. In Rooms.

Window.

16221. In every building, each of the following rooms shall have one or more windows, unless it is permitted to be, and is, ventilated by a fan exhaust system of ventilation pursuant to the provisions of this article:

- (a) Living room, bedroom, guest room, or dormitory.
- (b) Kitchen, scullery, pantry (except a pantry in an apartment), or other room in which food is stored or prepared.
- (c) Dining, general amusement, entertainment, reception, or general utility room.
- (d) Room or compartment in which is installed a water-closet, shower, bathtub, or toilet.
- (e) Slop-sink room.

16222. Each window shall open directly into a street or public alley, or a yard or court meeting the requirements of this part and located on the same lot as the building; but if it serves a water-closet or shower compartment, or a bath, toilet, or slop-sink room, it may open directly into a vent shaft. Opening:
yard, etc.

16223. A window required for a room in an apartment house or hotel shall not open through any roofed porch more than seven feet in depth, measured at right angles from the window unless the porch: Roofed
porch.

- (a) Abuts a street, yard, or court.
- (b) Is designed and constructed with one side and one end open and unobstructed, except for the usual rails, balustrades, and similar necessary structural features. If the porch is on the ground or main floor of the building, the open and unobstructed side and end shall be at least sixty-five per cent open and unobstructed, measured between the floor and the underside of the roof of the porch. If it is above the first or main story, such side and end shall be at least ninety per cent open and unobstructed, measured between the floor and the underside of the roof of the porch.

- (c) Has a ceiling height of not less than seven feet.

16224. A window required for a room in an apartment house or hotel shall not open through a roofed porch less than seven feet in depth, unless at least one end or side of the porch is at least fifty per cent open and unobstructed, measured at a right angle from the window, and the porch has a ceiling height of not less than seven feet. Same.

16225. A window required for a room in a dwelling shall not open through a roofed porch unless the porch: Same.

- (a) Abuts a street, yard, or court.
- (b) Is designed and constructed with one side or end at least fifty per cent open and unobstructed, measured between the floor and the underside of the porch roof, except for the usual rails, balustrades, and similar necessary structural features.
- (c) Has a ceiling height of not less than seven feet.

16226. No window serving a living room, bedroom, kitchen, or other room in which food is stored, cooked, or prepared in an apartment house or hotel shall open into a vent shaft. Vent shaft.

- Location. 16227. Each required window shall be so located as to light properly all portions of the room it serves, and shall be so made and arranged that at least one-half of the aggregate window area required in the room may be opened without obstruction.
- Window area. 16228. The total window area shall be not less than twelve square feet or one-eighth of the superficial floor area, whichever is the greater, in each of the following rooms:
- (a) In an apartment house, every room except a pantry.
 - (b) In an hotel, every room, including a general utility room, a kitchen, scullery, pantry, or other room in which food is stored or prepared.
 - (c) In a dwelling, every kitchen, and every room used for living and sleeping purposes.
- Same. 16229. The total window area in a water-closet compartment, or bath, toilet, or shower room shall be:
- (a) In a dwelling, not less than three square feet.
 - (b) In an apartment house or hotel, not less than six square feet.
- If the room contains more than one water-closet, bath, or urinal, the total window area shall be equivalent to three square feet for each water-closet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.
- Same. 16230. In every building the total window area of each room used, or intended or designed to be used, for amusement, entertainment, reception, public dining, or similar purposes, shall not be less than one-eighth of the superficial floor area of the room, nor less than twelve square feet, but it need not exceed twenty-two and a half square feet.
- Same. 16231. The area of each window in a room in an apartment house or hotel shall not be less than six square feet.
- Same. 16232. All measurements for window area shall be taken to the outside of the window sash.
- Fan exhaust system. 16233. In lieu of any window required by this article, the following rooms in apartment houses and hotels may be provided with an approved fan exhaust system of ventilation:
- (a) In hotels.
 - (1) Kitchen, scullery, pantry, or other room in which food is stored, cooked, or prepared.
 - (2) Laundry room.
 - (3) Slop-sink room.
 - (b) In apartment houses or hotels.
 - (1) Public dining, general amusement, entertainment, reception, or general utility room.
 - (2) Water-closet or shower compartment, bath or toilet room.

16234. The fan exhaust system of ventilation shall be so designed and operated as to produce a complete change of air in not more than: Operation.

(a) Five minutes in a scullery in an hotel, and in a water-closet or shower compartment, or bath, toilet, or slop-sink room in an apartment house or hotel.

(b) Fifteen minutes in every other room in an apartment house or hotel.

16235. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each room for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor. Failure to operate.

Article 3. In Public Hallways.

16261. For the purpose of this article, any part of a public hallway in an apartment house which is offset, recessed, or cut off from any other part of the hallway, and which is more in length than three times the width of the hallway, is a separate public hallway. Separate hallway.

16262. In an apartment house, every public hallway that serves three or more apartments on any floor, and in an hotel, every public hallway that serves five or more guest rooms on any floor, shall have at least one window, unless it is permitted to be, and is, lighted or ventilated by a skylight, a connecting hallway, or a fan exhaust system of ventilation, pursuant to the provisions of this article. Window.

16263. Each window shall open directly into a street, or a yard or court meeting the requirements of this part and located on the same lot as the building. Opening: Street, etc.

16264. The window shall not open through any roofed porch except a roofed porch through which a required window in a room of an apartment house or hotel may open. Roofed porch.

16265. Each window shall be so placed at either the end of or at some other location in the hallway as to secure a maximum of light into the hallway, and shall be so made and arranged that at least one-half of it may be opened without obstruction. Location.

16266. Each window shall be at least twenty-nine inches in clear width and fifty-eight inches in height. Its finished sill shall not be more than thirty inches above the adjoining finished floor. Dimensions.

Skylight. 16267. A public hallway in an apartment house or hotel not exceeding two stories in height may, in lieu of any window required by this article, be lighted and ventilated by one or more skylights.

Location. 16268. Each skylight shall be so located that no portion of the hallway will be more than twenty feet, measured from a vertical projection, from a skylight opening.

Glass area. 16269. Each skylight shall have an effective horizontal area of glass of not less than fifteen square feet, and shall be provided with ridge ventilators or fixed or movable louvers containing a ventilating area of not less than five hundred square inches.

Fan exhaust system, etc. 16270. A public hallway in a fireproof hotel may, in lieu of any window, be:

(a) Lighted and ventilated by a connecting public hallway equipped with a window or skylight meeting the requirements of this article.

(b) Ventilated by an approved fan exhaust system of ventilation designed and operated to produce a complete change of air in the hallway in not more than fifteen minutes.

Failure to operate. 16271. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each public hallway for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor.

Article 4. For Stairways.

**Skylight:
Location.** 16300. In an apartment house two or more stories in height containing more than three apartments above the first floor, and in an hotel two or more stories in height containing more than five guest rooms above the first floor, a ventilating skylight shall be provided at the roof directly as practicable over each stairway, unless the stairway is provided with windows and ventilated pursuant to the provisions of this article.

Materials. 16301. Each skylight, including the ventilating openings, and the shutters and closing and opening devices for the ventilating openings, shall be made of approved incombustible materials. Each skylight shall be so arranged that its entire ventilating area may be readily opened, or its ventilators may be fixed permanently in an open position.

**Area:
Ventilation.** 16302. The ventilating area in each skylight shall be not less than five hundred square inches.

16303. If the skylight is placed in an apartment house or hotel two stories in height, it shall have a minimum effective horizontal area of glass of at least twenty square feet. If it is placed in an apartment house or hotel more than two stories in height, it shall have a minimum effective horizontal area of glass of at least twenty square feet, plus three square feet for each story in excess of two. Glass.

16304. A vertical opening partially or entirely surrounded by the stairway and extending from the lowest story of the apartment house or hotel in which there are living or sleeping rooms to the skylight, shall be maintained in connection with the skylight. The opening shall have an horizontal area of at least seven square feet, and shall not be less than one foot in any dimension. Opening.

16305. The skylight required by this article may be omitted if windows similar to those required by this chapter for public hallways of apartment houses or hotels are placed at a location adjoining a stairway. Each window shall be provided with an open louver or ventilator containing a ventilating area of not less than one hundred square inches. The louver or ventilator may be placed in the roof over the stairway, in which event its ventilating area shall be not less than five hundred square inches. Window.

CHAPTER 13. STAIRWAYS.

16400. For the purpose of this article:

Floor area.

(a) Floor area includes all the area inside the exterior walls of a building, excluding any area occupied by vent shafts and courts.

(b) The floor above the first or ground floor having the largest floor area shall be used as the basis for computing the number of stairways required in any apartment house or hotel. However, the number of stairways from that portion of a building above the floor having the largest floor area may be computed on the basis of the floor having the largest floor area in that portion of the building. Computation basis.

(c) The width of each stairway shall be measured in the clear of all projections except (1) the baseboard, and (2) one handrail or newel post on each side projecting not more than four inches into the stairway width. Width measurement.

16401. Every fireproof apartment house or hotel shall have not less than one stairway which shall be not less than three feet six inches wide for each six thousand, or fractional part of six thousand, square feet of floor area in any one floor above the first floor. Fireproof building.

16402. Every semifireproof apartment house or hotel shall have not less than one stairway, which shall be not less than Semifireproof building.

three feet six inches wide for each four thousand, or fractional part of four thousand, square feet of floor area in any one floor above the first floor.

Wooden building.

16403. Every wooden apartment house or hotel shall have not less than one stairway, which shall be not less than three feet six inches wide for each three thousand, or fractional part of three thousand, square feet of floor area in any one floor above the first floor.

Apartment on first and second story.

16403.5. In an apartment situated only on the first and second stories of an apartment house, any required stairway terminating at the second story and for the exclusive use of the occupants of the apartment and their invitees, may be not less than three feet in width.

(Added by Stats. 1939, Ch. 477.)

Basement stairway.

16404. Every apartment house or hotel three or more stories in height shall have not less than one stairway leading from the outside to every basement or cellar in the building.

Room egress.

16405. Each of the following buildings shall be so designed and constructed that every apartment or guest room within it shall have not less than two means of egress to the floor next below the floor on which the apartment or guest room is located, and to a street, or to a yard or court having unobstructed access to a street or public alley:

(a) An apartment house three or more stories in height.

(b) An apartment house two or more stories in height, in which there are more than four apartments above the first floor.

(c) An hotel three or more stories in height.

(d) An hotel two stories in height in which there are more than six guest rooms above the first floor.

Same.

16406. Each means of egress shall be either a stairway or fire-escape constructed in accordance with this part.

Same.

16407. Each means of egress shall be accessible from every apartment, or guest room, either directly or through a public hallway, and shall be so located that if one becomes blocked, the other shall be available.

Elevator abutment.

16408. No stairway in any building shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without having to pass by or in front of the open side of the shaft.

Location over furnace, etc.

16409. No stairway in any building shall be located over a furnace, steam boiler, or gas meter or heater; nor shall any such furnace, boiler, meter, or heater be placed under a stair-

way, unless it is located in a room the walls and ceilings of which meet the wall and ceiling requirements for boiler rooms. No stairway leading from any other portion of a building shall terminate in or pass through a boiler room.

16410. Every stairway in an apartment house or hotel shall have a rise of not more than eight inches and a run of not less than nine inches, without change in the rise or run between floors. It shall also have a vertical headroom clearance of not less than seven feet.

Rise and
run.

16411. In every apartment house or hotel three or more stories in height, the depth of every stairway landing shall be not less than the width of the stairway. The tread in every stairway shall be of equal width for every run of stairs, and shall not vary in the width of the stairs.

Stairway
landing.

Tread.

16412. Each stairway required in an apartment house or hotel three or more stories in height shall be continuous from the ground floor level to the top story, and shall be located in such manner that each flight will be directly above the flight below it, or in plain view of each succeeding flight. One-half of the total number of stairways from the upper floors may terminate at the second floor if:

Construc-
tion.

(a) The aggregate width of the remaining stairways from the first to the second floor is increased not less than fifty per cent.

(b) The building has at least two stairways reaching the first floor, or one stairway reaching the first floor and at least one fire escape equipped to reach the ground.

16413. Every stairway shall have at least one handrail. If a stairway is five feet or more in width, it shall have one handrail on each side.

Handrail.

16414. Any stairway not required by this part shall not be less than thirty inches in width.

Width.

16415. No closet shall be constructed under any wooden stairway in any apartment house or hotel more than two stories in height designed and built to accommodate three or more families or six or more guests above the first story. The space under the stairway shall be left entirely open, and kept clean and free from all encumbrances; or it shall be effectively closed with walls of studs, lathed with metal lath plastered not less than three-quarters of an inch thick, without a door or any other opening.

Space under
stairway.

16416. In every apartment house or hotel more than two stories in height, the stairway nearest the main entrance of the building shall be carried to the roof level and give egress to the roof through a penthouse or roof structure if the pitch

Roof egress

of roof makes it practicable to construct a penthouse or roof structure with safety to the occupants who may have occasion to use the egress. The portion of the stairway from the topmost story to the roof level shall not be less in width than two feet six inches.

Penthouse:
Materials.

16417. The penthouse shall be built either of fireproof materials or of wood studs, lathed with metal lath plastered not less than three-quarters of an inch thick; or may be covered with tin or other metal.

Door.

16418. The door to the roof from the penthouse or roof structure shall be self-closing, shall open outward, and shall be covered on both sides and edges with tin or other metal.

Door
opening.

16419. The frames and trim of the opening for the door shall be covered with tin or other metal, and all glass in the door shall be wired glass not less than one-quarter of an inch thick.

Scuttle.

16420. If the pitch of roof of an apartment house or hotel makes it impracticable to construct a penthouse or roof structure, the stairway nearest the main entrance of the building need not be carried to the roof level. However, a scuttle not less than two by three feet shall be constructed through the ceiling and roof in the public hallway over the stairway; and a stairway or stationary ladder not less than twenty inches wide and with rungs not more than twelve inches apart, leading from the top floor to the roof, shall be installed.

Building in
existence
August
17, 1923.

16421. Every apartment house or hotel more than two stories in height, in existence on August 17, 1923, which is not provided with a stairway carried to the roof, shall afford egress to the roof through a penthouse, or through a scuttle not less than two by three feet, located in the ceiling of a public hallway; and shall have a stairway or stationary ladder, readily accessible to all the tenants of the building, leading from the top floor to the roof.

Door
fastening.

16422. No scuttle or penthouse door in any hotel or apartment house shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Dwelling
egress.

16423. Every dwelling more than two stories in height shall have at least two means of egress from the topmost story to the second story. Each means of egress shall be either a stairway or a fire escape.

CHAPTER 14. FIRE ESCAPES.

Article 1. Number and Kind Required.

Floor area.

16500. For the purpose of this chapter, floor area includes all the area inside the exterior walls of a building, excluding any area occupied by vent shafts and courts.

16501. Every apartment house or hotel more than two stories in height shall have at least one fire escape. Minimum number.

16502. If the building is a fireproof apartment house or hotel in which the floor area on any one floor above the second floor exceeds six thousand square feet, it shall have one additional fire escape for each five thousand, or fractional part of five thousand, square feet of floor area on such floor in excess of the first six thousand square feet. Additional: Fireproof building.

16503. If the building is a semifireproof or wooden apartment house or hotel in which the floor area on any one floor above the second floor exceeds four thousand square feet, it shall have one additional fire escape for each five thousand, or fractional part of five thousand, square feet of floor area on such floor in excess of the first four thousand square feet. Semifireproof or wooden building.

16504. Any fire escape required by this part in an apartment house or hotel shall be one of the following types: Type of fire escape.

- (a) Type 1.
- (b) Type 2.
- (c) Type 3.
- (d) Type 4.
- (e) Type 5.

It shall conform to all the provisions of this chapter relating to its particular type.

Article 2. Location.

16520. Every fire escape required by this part for a building shall be so located on the building as to furnish the best means of escape for the occupants. On a semifireproof or wooden apartment house or hotel at least one required fire escape shall be located on a street front. Generally.

16521. Every fire escape balcony or vestibule installed on any building shall abut a street or public alley, or open directly on a yard or court having the dimensions specified in this part. Balcony or vestibule.

16522. Fire escapes shall be so located that access may be had to a fire escape from the interior of the building for which they are provided through any of the following means: Means of access.

- (a) A public hallway not less than three feet wide.
- (b) Directly from each apartment in an apartment house or guest room in a hotel, without having to pass through another apartment or guest room.
- (c) A public parlor, public lobby, or similar room connected directly with a public hallway through a clear and unobstructed opening without doors.

16523. If any fire escape installed on any building terminates at the bottom in a yard or court, there shall be pro- Passageway: Dimensions.

vided a clear and unobstructed passageway not less than three feet in width and not less than seven feet in height leading from the yard or court to a street or alley.

Materials. 16524. Any portion of the passageway that passes through a building or other structure shall be constructed entirely of approved incombustible materials; or the walls and ceilings of such portion shall be lathed with metal lath plastered not less than three-fourths of an inch thick, or lined with number 26 gauge galvanized iron on solid sheathing of not less than thirteen-sixteenths inch boards.

Door. 16525. Any door on any opening into the passageway shall be metal lined, and any glass in any door or in any window of the passageway shall be wired glass not less than one-fourth of an inch thick, set in metal or metal covered sash and retained in place by metal covered stops or metal glazing angles.

Same. 16526. Every swinging door on any opening into the passageway shall open only in the direction of egress from the passageway.

Signs. 16527. Signs both pointing toward and marking the locations of fire escapes shall be placed on each floor of the building for which the fire escapes are installed.

Article 3. Strength and Supports.

Platform. 16540. Each fire escape balcony platform shall be designed to carry its own dead load, a live load of one hundred pounds for each square foot of its area, computed by using outside dimensions, and the live and dead loads from the ladders or stairs supported by it.

Ladder. 16541. Each fire escape ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Load. 16542. Each fire escape stairway shall be designed to carry its own dead load and a live load of one hundred fifty pounds per square foot of horizontal projection.

Top rail. 16543. Each top rail of a fire escape balcony balustrade shall be designed to withstand a horizontal pressure of one hundred pounds per lineal foot of railing.

Balcony. 16544. Each fire escape balcony shall be independently supported.

Fastenings. 16545. The fastenings of a fire escape balcony to a building shall be designed to carry a twenty-five per cent

greater load than the total dead and live loads carried by the balcony. The balcony anchorage shall be direct to the structural steel or iron members of the balcony balustrade and platform, and shall be extended into the walls and anchored into the structural work of the building.

Article 4. Door and Window Openings.

16560. The level of the inside sill of a door or window in a building giving access to a fire escape balcony shall be not more than thirty inches above the adjoining floor in the building. Sill level.

16561. The door or window opening shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height. Dimensions.

16562. The window or door openings shall be of a type that will not obstruct the fire escape. Type.

16563. If double-hung windows are used in the opening, the lower sash shall be at least the size of the upper sash, and shall slide to the top of the opening. Sash.

16564. Any lock on any window opening shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool. Lock.

Article 5. Type 1 Fire Escape.

16600. A type 1 fire escape shall be constructed entirely of galvanized metal, and shall have: Generally.

(a) A balcony at each story above the first story of the building for which it is provided.

(b) An inclined stairway connecting all balconies.

(c) A gooseneck ladder connecting the topmost balcony to the roof of the building.

16601. The fire escape shall be framed and riveted or bolted together in a solid and substantial manner; and shall be properly supported, braced, and fastened to the outside walls of the building so that it will be rigid, durable, and secure, and able to carry the loads prescribed by this chapter. Support, etc.

16602. The lowest balcony of the fire escape shall be not more than fourteen feet above the street or ground level directly under it, unless it is equipped with a counterbalanced or permanent ladder which reaches the ground. Balcony: Lowest.

16603. Every balcony platform shall be fastened to the outside wall of the building by building in and anchoring, or by securely bolting, it and its balustrade framing to the Platform.

wall. Every balcony shall be supported by brackets, braces, or struts fastened, or built in and anchored, to the walls.

Width. 16604. Each balcony shall be not less than forty-four inches in width nor less than thirty-three square feet in area.

Balustrade. 16605. The balustrade of each balcony shall be not less than thirty-four inches high, and shall be without any opening greater than eight inches in horizontal dimension.

Opening. 16606. No opening, except the stairway opening, in a balcony platform shall be greater than one inch in width.

Same. 16607. The stairway opening in a balcony shall be not less than twenty-one inches wide, nor less than forty inches long.

Connecting stairway. 16608. The inclined stairway connecting the balconies shall be not less than eighteen inches in width, and shall be so placed that it will in no part be nearer than twenty-one inches from the face of the wall.

Inclination. 16609. The stairway shall have an inclination of not less than four and not more than six inches, measured horizontally, to each twelve inches of vertical height.

Treads. 16610. The stairway treads shall be not less than four inches wide, and shall be placed not more than twelve inches apart.

Handrail. 16611. Each side of the stairway shall have a handrail not less than one inch in diameter, fastened to the stair stringers and continued around the stairway opening of each balcony platform.

Ladder: Bracing. 16612. The gooseneck ladder shall be securely braced and fastened to the outside wall, but shall not pass in front of any opening in the wall to the interior of the building.

Width, etc. 16613. The ladder shall be not less than fifteen inches wide. It shall extend vertically from the topmost balcony to a point three feet above the fire wall or roof, and shall then be brought down and fastened to the inside face of the fire wall or the roof.

Rungs. 16614. The rungs of the ladder shall be not less than five-eighths inch round iron or steel, and shall be placed not more than fourteen inches apart.

Cornice opening. 16615. Any cornice opening for the passage of the ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside the ladder.

Article 6. Type 2 Fire Escape.

16640. A type 2 fire escape is a type 1 fire escape, except Definition. that it has balconies made of reinforced concrete or fireproofed iron or steel, with fastenings of similar material.

Article 7. Type 3 Fire Escape.

16650. A type 3 fire escape is any inclosed, approved, Definition. metallic, spiral fire escape, consisting of a rigid form of an inclined chute constructed entirely of incombustible material.

16651. It shall meet the satisfaction of the enforcement Construction. agency as to its being as solid, substantial, durable, and fire-proof in construction as a type 1 fire escape.

16652. It shall be securely attached to the outside wall of Attachment. the building for which it is provided.

16653. It shall be provided with proper means of ingress Ingress and egress. from the building, proper means of egress at its bottom, and means of enabling firemen to reach the roof from the ground.

16654. It shall be equipped with standpipes. Standpipes.

16655. It shall provide at least as safe and efficient a means Safety and efficiency. of escape for the occupants of the building as, and shall furnish all the protection and utility afforded by, a type 1 fire escape.

Article 8. Type 4 Fire Escape.

16670. A type 4 fire escape is a fire and smoke tower con- Definition. sisting of a wall-inclosed stairway which:

(a) Extends from the first floor exit level to the roof of the building for which the fire escape is provided, and is not less than twenty inches in width.

(b) Is constructed of reinforced concrete, iron, or steel, or a combination of these materials.

(c) Has one handrail on each side for its entire length.

(d) In all other details conforms to the provisions of this chapter relating to stairways of type 1 fire escapes.

16671. The tower shall be constructed at a point adjoining Location. the exterior walls of the building.

16672. The tower shall be entirely inclosed with walls of Walls: Materials. brick, terra cotta tile, concrete, or reinforced concrete, not less than eight inches thick.

16673. There shall be no openings in the walls of the tower Openings. into the building.

- Extension. 16674. The walls shall extend from the basement to a point three feet above the roof of the building.
- Covering. 16675. There shall be no covering over the tower except a covering constructed of approved incombustible materials and provided with permanent open louvers or other permanent unobstructed openings to the outer air having an aggregate open area equivalent to fifty per cent of the aggregate superficial area of the covering.
- Use for support. 16676. The walls of the tower shall not be used to carry or support any floor joist, beam, girder, or other structural feature of the building, nor shall they be chased for any pipe, conduit, or other purpose.
- Exit and entrance. 16677. The tower shall have an exit at the first floor level opening directly to a street or yard, and shall have an entrance by means of an outside balcony at each floor.
- Balcony: Floor. 16678. Each balcony shall have a solid floor and, in all other details, shall conform to the requirements for type 1 fire escapes.
- Location, etc. 16679. Each balcony shall be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening from the balcony to the tower. Each door opening shall be not less than thirty inches wide by seventy-two inches high, and shall be equipped with metal-covered doors. The frame and threshold of each door opening shall be constructed of fireproof materials.

Article 9. Type 5 Fire Escape.

- Definition. 16690. A type 5 fire escape is a type 4 fire escape, except for the deviations permitted by this article.
- Vestibules: Material. 16691. Instead of an outside balcony at each floor, there shall be a vestibule at each floor with inclosing walls continuous with, and of the same materials and thickness as, the inclosing walls of the tower.
- Opening. 16692. The vestibule opening shall be direct from a public hallway, and shall be equipped with metal-covered doors.
- Floor. 16693. The vestibule floor shall be of masonry construction.
- Inclosure opening. 16694. The vestibule inclosure shall have an opening at each floor through the exterior wall of the building, extending from the floor to the ceiling and not less in width than three-fourths of the width of the vestibule. The opening shall be protected with an open metallic balustrade similar to that specified for balconies of a type 1 fire escape.

Article 10. Maintenance and Repair.

16705. Every fire escape in or on an apartment house or hotel shall at all times be maintained in good order and repair, be well painted, be kept clear and unobstructed, and be readily accessible.

Maintenance and repair.

CHAPTER 15. COMBINED STAIRWAY AND FIRE ESCAPE.

16720. A type 4 or type 5 fire escape in an apartment house or hotel may be used as a combined stairway and fire escape, and may be computed as one of the stairways and one of the fire escapes required in the building, if there is at least one other stairway in the building constructed in accordance with the provisions of this part and extending to the first or ground floor of the building.

Type 4 or 5 fire escape.

16721. In a fireproof hotel a stairway continuous from the topmost story to, and terminating at, the second story level, may be used as a combined stairway and fire escape, and may be computed as one of the stairways and one of the fire escapes required in the building, if:

Top to second story stairway.

- (a) It is completely inclosed with walls of masonry.
- (b) The door openings in the walls are equipped with self-closing doors covered with metal on both sides and all edges.
- (c) All glass in the doors is wired glass not less than one-fourth of an inch thick.
- (d) The stairway terminates in a fireproof passageway which:
 - (1) Is not less than four feet wide.
 - (2) Has a ceiling height of not less than eight feet.
 - (3) Has walls, a ceiling, and floors constructed of masonry.
 - (4) Has doors meeting the requirements for doors in the stairway wall enclosure.
 - (5) Extends directly to the exterior walls of the building abutting a street.
 - (6) Ends in a fire escape balcony meeting the requirements of this part for balconies of type 1 fire escapes, and equipped with an approved stairway device reaching, or fixed in such manner that it can be readily lowered to reach, the ground or sidewalk level.
- (e) There is always readily accessible another stairway extending to the first or ground floor level.

CHAPTER 16. STANDPIPES.

16740. Every apartment house or hotel four or more stories in height shall have one or more metallic standpipes not less than four inches in internal diameter.

Requirement.

16741. Each standpipe shall have a Siamese inlet valve not less than one foot nor more than four feet above the sidewalk

Valves: Location.

or the ground directly under it, and an outlet valve at each story above the first story and on the roof.

Access-
bility.

16742. One standpipe shall be placed on or in the exterior walls of the building at one fire escape, and each of its outlet valves shall be readily accessible from one end of the fire escape balcony on the story on which the valve is located.

Threading,
size, etc.

16743. The inlet and outlet valves on every standpipe shall be threaded, and shall be of a size that can meet the standard fire equipment connections of the fire department of the locality in which the apartment house or hotel is erected. The materials used in, and the installation of, the standpipe shall meet with the approval of the enforcement agency.

Time of
installation.

16744. The standpipes required by this chapter need not be installed in any apartment house or hotel until such time as it becomes practicable and possible to obtain running water for the efficient use of the standpipes in case of fire. The enforcement agency shall decide whether or not it is possible and practicable to obtain running water.

CHAPTER 17. SHAFTS.

"Shaft"
defined.

16770. As used in this chapter, "shaft" means an elevator shaft, a dumb-waiter shaft, or other interior shaft.

Inclosing
walls;
Fireproof
building.

16771. Every shaft in a fireproof apartment house or hotel shall be inclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile, or other similar hard incombustible material; or in walls constructed of metal studs lathed with metal lath plastered on both sides so as to make a solid partition not less than two inches thick, the metal to be imbedded thoroughly in the plaster.

Semifire-
proof or
wooden
building.

16772. Every shaft in a semifireproof or wooden apartment house or hotel shall be inclosed by the same kind of walls required by this part for a fireproof building; or by walls constructed of wood studs, with firestops between the studs at each floor and half way between each floor, lathed on both sides with metal lath plastered not less than three-quarters of an inch thick.

Door
opening.

16773. Every opening from any shaft into the building in which the shaft is installed shall be equipped with a metal door, together with a metal door frame and trim, or the door and door frame shall be constructed of wood covered with metal on the shaft side of the door and door frame.

Window.

16774. Every window in a shaft or shaft door shall be of wired glass not less than one-fourth of an inch thick, set in a metal sash, or a sash metal-covered on the shaft side of the window.

16775. Every door or window in a shaft shall close tight, ^{Closing.} and every door, except an elevator door, in the shaft shall be self-closing.

16776. At the roof over every elevator shaft there shall be ^{Skylight.} a ventilating skylight or a ventilator with open louvers to provide ventilation for the shaft.

CHAPTER 18. AIR DUCTS.

16800. Every duct used for the transmission of air, ^{Construc-} whether for ventilating, cooling, or heating purposes, and ^{tion.} forming part of any mechanical system of ventilation or air conditioning system, installed in any apartment house or hotel, shall be constructed of either of the following materials:

(a) Approved incombustible materials.

(b) Galvanized iron not less than number 26 gauge, with lock-jointed seams and with all joints connecting each duct unit effectively riveted or otherwise securely attached.

CHAPTER 19. VENT SHAFTS.

16820. Every vent shaft in an apartment house or hotel ^{Walls.} shall be inclosed with walls meeting the requirements of this part for elevator shaft walls in the building.

However, in a semifireproof or wooden apartment house or hotel, the outside or weather side of the vent shaft, and that portion of the shaft extending from the ceiling joists to the top of the building, may be lined with metal in lieu of metal lath and plaster. If metal lining is used in the shaft, the shaft shall be sheathed solid with boards not less than twenty-five thirty-seconds of an inch in thickness.

16821. Plaster on the weather side of any vent shaft shall ^{Plaster.} be Portland cement plaster.

16822. Every opening from any vent shaft into the build- ^{Openings.} ing for which it is installed, and every window in the shaft, shall be equipped in compliance with the requirements of this part for openings and windows in elevator shafts in the building.

16823. An apartment house vent shaft bounded on one ^{Dimensions:} or more sides by a lot line shall be not less than two feet in ^{Apartment} its least dimension, and not less than sixteen square feet in ^{house.} area.

Every other apartment house vent shaft shall be not less than four feet in its least dimension, and not less than sixteen square feet in area.

If any apartment house vent shaft exceeds fifty feet in height, measured from the bottom to the top of its walls, it shall throughout its entire height be increased in area one

square foot for each additional ten, or fractional part of ten, feet above fifty feet.

Hotel.

16824. An hotel vent shaft shall be not less than thirty inches in its least dimension, and not less than twelve square feet in unobstructed area.

Dwelling.

16825. A dwelling vent shaft shall be not less than three feet in its least dimension.

16826. Every vent shaft shall be open and unobstructed to the sky.

Parapet
or rail.

16827. A parapet or rail at least thirty inches in height shall be constructed at the roof line of every vent shaft in an apartment house or hotel so that no person may walk or fall into the shaft.

Pipes in
vent shafts.

16828. Plumbing, gas, steam, or other similar pipes may be placed in vent shafts in apartment houses or hotels.

Door or
window.

16829. Every vent shaft in an apartment house shall be provided with a door or window at or near its bottom permitting access to the shaft for cleaning purposes.

Cleaning.

16830. Every vent shaft shall be so arranged that it may be readily cleaned.

Air intake.

16831. Every vent shaft in an apartment house or hotel, except an apartment house or hotel not more than two stories in height from the lowest floor used for living and sleeping purposes, shall be provided with an air intake, not less than three square feet in total area, at or near its bottom, communicating with a street, yard, or court.

Ducts.

16832. The intake may be divided into not more than three separate ducts running between the joists or otherwise. The ducts shall be as nearly horizontal as possible.

Materials.

16833. Each intake or duct shall be constructed of approved fire resistive material or of metal, or shall be metal lined.

Wire screen.

16834. Each intake or duct shall be provided with a wire screen, having not less than one inch mesh, at each end.

Space.

16835. Whenever the end of an intake is capped, hooded, or otherwise covered, there shall always be provided a clear space of not less than four inches above and between the end of the intake and the lower part of the cap, hood, or other covering.

CHAPTER 20. GAS APPLIANCE VENTS.

16900. Every gas water heater and, except as otherwise permitted in this chapter in the case of a kitchen gas range, every gas-fired appliance which is designed to be a vented appliance, as shown by the presence of a vent collar to which a vent may be attached, shall be provided with a vent pipe, which may be of sheet metal not smaller than the vent connection on the appliance nor less than two and one-half inches in internal diameter, and which shall be connected to a vertical, or substantially vertical, flue, vent, or chimney leading to the outer air. Vent pipe.

16901. The flue, vent, or chimney shall be either a terra cotta patent chimney; or shall be constructed of brick, fire clay, or a similar masonry product, not less than one-half of an inch thick, or of approved durable pipe having a wall thickness which will give an insulating value equal to a terra cotta patent chimney or a masonry product, and which will not disintegrate from the effects of gas fumes and other products of combustion. Chimney: Construction.

16902. The internal area of the flue, vent, or chimney shall not be less than twelve square inches. If the flue, vent, or chimney is rectangular in shape, it shall not be less than two inches in any internal dimension. Internal area.

16903. A gas range in the kitchen of every building shall be vented by one of the following means: Gas range: Venting.

(a) A flue, vent, or chimney similar to that required by this chapter for gas water heaters, placed in the wall of the kitchen adjacent to the gas outlet and connected with the oven of the gas range.

(b) A ventilator opening in the wall or ceiling approximately over the gas outlet, having an area of not less than six by eight inches and connecting with a ventilating duct of not less than thirty-six square inches in cross-sectional area leading to the outside air.

(c) An approved system of forced draft ventilation.

16904. Any duct designed for use in connection with any approved system of forced draft ventilation or natural draft ventilating arrangement, installed in any building pursuant to this chapter, shall meet the requirements for ducts in apartment houses or hotels. Ducts.

16905. Every gas vent, gas water heater, or other gas appliance shall be maintained in good repair. Repair.

CHAPTER 21. BOILER ROOMS.

16950. In every apartment house or hotel, every boiler for heating the building, using a fuel other than gas, and every Boiler installation.

heating furnace or water heating apparatus using oil or other liquid fuel, shall be installed in a room meeting the requirements of this chapter.

Walls. 16951. The walls of the room shall be built of concrete, reinforced concrete, brick, stone, or concrete or terra cotta tile, not less than six inches thick, and shall extend from the floor to the ceiling of the room.

Ceilings. 16952. The room shall either have two ceilings with a space not less than one and one-half inches between them, each of which shall be lathed only with metal lath plastered not less than three-quarters of an inch thick; or one ceiling constructed of masonry.

Floor. 16953. The floor of the room shall be of masonry not less than two inches thick.

**Door:
Materials.** 16954. Every door in a wall of the room shall be an approved fire-resisting door, or a door constructed of three thicknesses of twenty-five thirty-seconds of an inch by not more than six inch tongued and grooved matched boards entirely covered on the sides and edges with lock-jointed tin.

Closing. 16955. Each door shall be self-closing, and hung so as to overlap the wall by at least three inches.

Hinges, etc. 16956. Each door shall have hinges, hangers, latches, and other hardware of wrought iron, bolted to it. If it is a sliding door, it shall have steel tracks, with wrought-iron stops and binders bolted through the wall. If it is a swinging door it shall have wall-eyes of wrought iron, built into or bolted through the wall. Combustible materials shall not be used in hanging the door or its fittings.

Sill. 16957. The room shall have a masonry sill across each door opening not less than four inches high, over which the doors shall lap by at least three inches; or shall have a steel or iron sill across each door, on the top of which the bottom of the door shall close tight. Every swinging door shall open outward from the room.

(Amended by Stats. 1939, Ch. 477.)

[ORIGINAL SECTION.]

16957. The room shall have a masonry sill across each door opening not less than four inches high, over which the doors shall lap by at least three inches; or shall have a steel or iron sill across each door, on the top of which the bottom of the door shall close tight. Every swinging door shall open outward from the room.

Glass. 16958. Glass in any door, window, or other opening in a wall of the room shall be wired glass, not less than one-fourth of an inch thick, set in a metal or metal-covered sash and

frames. It shall be retained in place by metal-covered stops or metal glazing angles.

16959. Oil or other liquid fuel burned in the room shall not be fed by a gravity flow. Oil feed.

CHAPTER 22. GARAGES.

Article 1. General Provisions.

17000. No automobile or other motor vehicle shall be placed or stored in any portion of an apartment house or hotel except in a space which meets the requirements of this chapter. General prohibition.

17001. No portion of any apartment house or hotel shall be used as an auto repair shop, a machine shop, an auto sales-room, an auto top and upholstering shop, an accessory shop, or a battery repair shop unless it meets the requirements of this chapter for a space in excess of four thousand square feet in floor area in which automobiles or other motor vehicles are placed or stored. Machine shop, etc.

17002. No automobiles shall be stored in a space beneath a rear yard of an apartment house, except automobiles owned by the tenants or occupants of apartments within the building. Space beneath rear yard.

Article 2. Garages Less Than One Thousand Square Feet in Area.

17020. When the total floor area of a space in an apartment house or hotel in which automobiles or other motor vehicles are placed or stored is one thousand square feet or less, the inclosing walls of the space shall be of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or clay tile, not less than four inches thick; or may be of wood studs covered on the storage room side by not less than twenty-five thirty-seconds inch boards with one thickness of asbestos paper and one thickness of lock-jointed number 26 gauge galvanized iron, or wood studs covered on both sides with three-quarters inch metal lath and plaster. Walls.

17021. The ceiling of the space shall be lathed only with metal lath well plastered not less than three-quarters of an inch thick, or shall be of masonry. Ceiling.

17022. The floor of the space shall be of reinforced concrete or masonry not less than two inches thick. Floor.

17023. Every door, window, or other opening in any wall of the space, opening to any other portion of the building, shall be protected in the manner required by this part for the protection of doors, windows, or other openings in a boiler room. Openings.

Article 3. Garages More Than One Thousand but Less Than Four Thousand Square Feet in Area.

Scope of
require-
ments.

17040. When the total floor area of a space in an apartment house or hotel in which automobiles or other motor vehicles are placed or stored exceeds one thousand, but does not exceed four thousand, square feet, neither the space nor any compartment in the space shall exceed two thousand square feet in area, unless the space meets the requirements of this chapter for spaces exceeding four thousand square feet in area.

If the space has no compartment and does not exceed two thousand square feet in area, or if it has compartments none of which exceeds two thousand square feet in area, it shall meet the requirements of this article.

(Amended by Stats. 1939, Ch. 477.)

[ORIGINAL SECTION.]

17040. When the total floor area of a space in an apartment house or hotel in which automobiles or other motor vehicles are placed or stored exceeds one thousand, but does not exceed four thousand, square feet, no compartment in the space shall exceed two thousand square feet in area, unless the space meets the requirements of this chapter for spaces exceeding four thousand square feet in area.

If the space has no compartment, or if it has compartments none of which exceeds two thousand square feet in area, it shall meet the requirements of this article.

Walls.

17041. The partitions and inclosing walls of the space shall meet the requirements of this chapter for the inclosing walls of a space not exceeding one thousand square feet in floor area.

Ceilings.

17042. The space shall either have two ceilings, with a vertical space of not less than six inches between them and with the lower ceiling suspended with metal, each of which shall be lathed only with metal lath plastered not less than three-quarters of an inch thick; or a ceiling constructed of masonry not less than three inches thick.

Floor.

17043. The floor of the space shall be of masonry not less than three inches thick.

Door closing.

17044. Every door in any wall of the space opening to any other portion of the building, and every door in any partition in the space, shall be self-closing.

Opening
protection.

17045. Every door, window, or other opening in any partition in the space, and any door, window, or other opening in any wall opening into any other portion of the building shall be protected in the manner required by this part for the protection of doors, windows, or other openings in a boiler room.

Article 4. Garages Exceeding Four Thousand Square Feet
in Area.

17060. When the total floor area of a space in an apart- Walls.
ment house or hotel in which automobiles or other motor
vehicles are placed or stored exceeds four thousand square
feet in area, the partitions and inclosing walls of the space
shall be of concrete, reinforced concrete, brick, stone, concrete
tile or blocks, or clay tile, not less than eight inches thick.

17061. The ceiling and the floor of the space shall be of Ceiling and
masonry not less than three inches thick. floor.

17062. No door or other opening shall lead from the space Openings.
to any other portion of the building, unless a vestibule with
inclosed walls continuous with, and of the same construction
and thickness as, the inclosing walls of the space is provided.
The vestibule openings from the interior of the building shall
be equipped with metal lined doors.

Article 5. Ventilation.

17080. Every space in a building in which automobiles or General re-
other motor vehicles are placed or stored shall be provided quirement.
with ventilation meeting the requirements of this article.

17081. When the total floor area of a space is four thousand Ventilation
square feet or less, the space shall be provided with ventilation outlets.
outlets in its walls.

17082. The total area of the ventilation outlets shall be as Area.
follows:

(a) For a space of one thousand square feet or less, two
hundred square inches.

(b) For a space of more than one thousand square feet,
two hundred square inches for the first one thousand square
feet, plus fifty square inches for each additional two hundred
square feet, until the total area becomes five hundred and
twenty-five square inches, which shall be the maximum
required.

17083. The top of each ventilation outlet shall be not more Floor
than eighteen inches above the floor of the space. distance.

17084. Each ventilation outlet shall be protected with Protections.
galvanized wire or rods not less than three-eighths of an inch
in diameter, providing openings of one-half inch mesh.

Protections of ornamental design may be used if they are
galvanized and have a strength at least equal to that of rods
not less than three-eighths of an inch in diameter.

All protections shall be firmly anchored in or secured to
their supports.

Circulation of air. 17085. Each ventilation outlet shall lead directly to a free and unobstructed circulation of air; but shall not lead into any inner court.

Mechanical exhaust system. 17086. When the total floor area of a space is over four thousand square feet, a mechanical exhaust ventilation system shall be provided.

Exhaust fans. 17087. The mechanical exhaust ventilation system shall consist of one or more power-driven exhaust fans of the positive centrifugal type, and shall have the capacity to exhaust each hour a quantity of air equal to not less than six times the cubic contents of the space.

Fan discharge. 17088. The mechanical exhaust shall be drawn from a point not more than eighteen inches above the floor line, and shall be evenly distributed over the entire area of the space. The fan discharge shall be taken to a point above the roof of the building or to the outer air at a point not less than ten feet from any window in the building in which the space is located, or in any adjoining building.

CHAPTER 23. DORMITORIES.

General requirements. 17151. Every dormitory constructed, altered, or converted in any building shall meet the requirements of this chapter.

Accommodations. 17152. No dormitory shall contain sleeping accommodations for more than twenty persons, nor shall any dormitory be so overcrowded as to be inconsistent with the requirements of this part for cubic air space in rooms used for sleeping purposes.

Ceiling height. 17153. A dormitory shall have a clear ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling.

Beds: Tiers. 17154. In a dormitory having a clear ceiling height of less than sixteen feet there shall be but one tier of beds.

In a dormitory having a clear ceiling height of sixteen feet or more, measured between the finished floor and finished ceiling, there may be a double tier of beds, one tier above the other, if there is not less than:

(a) Three feet of clear vertical space between beds, or tiers of beds.

(b) Three feet of horizontal space between beds.

(c) One foot of clear space between the floor of the dormitory and the under side of the first tier of beds, if there is more than one tier.

Frames. 17155. The frames of beds in every dormitory shall be made of steel, iron, or some other hard, smooth, incombustible, and nonabsorbent material.

17156. Windows opening onto a street, or a yard or court of the dimensions specified in this part and located on the same lot, shall be installed in every dormitory. The window area shall not be less than one-eighth of the superficial floor area in a dormitory containing not more than one tier of beds, nor less than one-fourth the superficial floor area in a dormitory containing a double tier of beds. Windows.

17157. Every existing dormitory erected prior to August 17, 1923, shall meet the requirements of this part relating to the number of persons and cubic air space. If the housing department issues a certificate of occupancy for any dormitory erected prior to August 17, 1923, which is found by the department to be sanitary and fit for human occupancy, the certificate shall be final as to the existing structural features and arrangement of the dormitory at the time the certificate is issued, and the dormitory may be used for human habitation. Dormitory erected prior to August 17, 1923.

CHAPTER 24. BUILDING CONSTRUCTION GENERALLY.

Article 1. Details of Construction.

17250. Every building shall be constructed in a safe and substantial manner. Generally.

17251. Every dwelling shall be so constructed as to provide shelter to the occupants against the elements and exclude dampness in inclement weather. Shelter.

17252. The materials used in the construction of a building shall be of substantial and approved stock. Materials.

17253. Except as otherwise provided in this part, all partitions in apartment houses and hotels three or more stories in height shall be well-plastered partitions. Partitions.

17254. The floor of a kitchen or other room in an hotel in which food is stored or prepared shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick, or by a layer of sheet tin, iron, or similar material. Kitchen floor.

17255. A bakery or place of business in which fat is boiled shall not be constructed or maintained in any apartment house, unless the ceilings and side walls of that part of the bakery or place of business in which fat is boiled are made of approved fire resistant materials, with no openings connecting into, and so separated and arranged as to prevent odors from entering, the building. Bakery.

17256. The footings, foundations, walls, joists, studding, girders, columns, and all other bearing portions of a building Bearing portions.

shall be of such sizes and so constructed as to sustain safely in all their parts all the live and dead loads transmitted to them, in addition to their own dead loads.

Live load:
Floor.

17257. Each floor in a building shall be constructed to sustain safely a live load of not less than forty pounds to each square foot.

Roof.

17258. Each roof of a building shall be constructed to sustain safely a live load of not less than twenty pounds to each square foot.

Weights and
stresses.

17259. Schedules of weights of materials, safe allowable unit stresses, and formulas used for computing stresses shall be of standard recognized practice.

Wooden
studs:
Dimensions.

17260. The wooden studs in every bearing wall and partition in an apartment house or hotel shall be not less than two by four inches; but in an apartment house or hotel that exceeds two stories in height, the wooden studs in every bearing wall and partition below the top two stories shall be not less than two by six inches. The studs shall be spaced not more than sixteen inches center to center, except when, together with plates, they are designed as a system of columns and beams.

Fire
stopping.

17261. All wooden stud walls and partitions in an apartment house or hotel shall be effectively fire stopped at the floors and ceilings and at the spring line of a cove in a coved ceiling, so as to form an effective fire barrier between stories, and between a top story and the roof or attic space. They shall also be fire stopped between floors and ceilings in such manner that there will be no concealed air space with a dimension greater than seven feet.

Same.

17262. The fire stopping in wooden stud walls and partitions in apartment houses and hotels shall consist of not less than two inch material, and shall be as thick as the stud. Plates, braces, and other members which fulfill the function of fire stopping may be considered such.

Angle
bracing.

17263. Each wooden stud wall and partition in an apartment house or hotel shall be thoroughly and effectively angle braced at each corner and at least once in each twenty-five feet of its length. However, diagonal sheathing or other membrane of comparable strength and rigidity may be used for angle bracing. If the membrane used is metal lath and plaster, the wall or partition shall be plastered with Portland cement plaster not less than three-quarters of an inch thick, back-plastered between the studs not less than one-half of an inch thick in an approved manner, so as to imbed thoroughly the

metal lath in the plaster. The metal lath shall weigh not less than three and four-tenths of a pound per square yard.

17264. The space between wooden floor joists in an apartment house or hotel, over each bearing partition or wall and at the exterior walls, shall be blocked solid the full depth of the joists with blocks not less than two inches thick.

Floor joist space.

17265. Joists supporting plastered ceilings in an apartment house or hotel shall be so proportioned that their deflection under full live and dead loads, exclusive of the weight of plaster, shall not exceed one three-hundred-and-sixtieth of the span length of the joists.

Ceiling joist support.

17266. No floor joist or other bearing support in an apartment house or hotel shall be cut or notched for any purpose unless it is reinforced to take up the weakness caused by the cut or notch.

Bearing support notching.

17267. Every span of wooden floor joists in an apartment house or hotel shall be cross-bridged with cross-bridging of not less than 2" x 3" material, at intervals not more than eight feet apart. A bearing partition, wall, girder, or other support under the joists that is blocked solid over its top between the joists with blocks not less than two inches thick the full depth of the joists shall take the place of a cross-bridging.

Cross-bridging.

17268. All dimensions of lumber mentioned in this part shall be substantially the dimensions of the lumber when manufactured from the log, subject, however, to customary slight variations.

Lumber dimensions.

17269. The dimensions of lumber used in a building may be reduced by the processes of seasoning and surfacing to customary commercial sizes. Lumber reduced to customary commercial sizes by seasoning and surfacing processes will fulfill the requirements of this part.

Dimension reduction.

Unit stresses for surfaced lumber shall be computed on the basis of the actual net section.

Article 2. Fireproof Buildings.

17280. All the exterior and interior loads or stresses in a fireproof building shall be transmitted to the foundation by means of concrete, reinforced concrete, brick, or stone; or by means of a skeleton framework of steel, iron, or reinforced concrete, or a combination of such materials.

Load or stress transmission.

17281. The exterior walls, inner court walls, and roof of a fireproof building shall be constructed of concrete, reinforced concrete, brick, stone, or terra cotta or concrete tile.

Exterior walls.

Structural
steel.

17282. All the structural steel or iron in a fireproof building shall be thoroughly fireproofed by concrete, cement plaster, tile, brick, or sandstone, not less than two inches thick.

Interior
partitions.

17283. Every interior partition in a fireproof building shall be constructed of terra cotta or concrete tile or blocks, gypsum blocks, brick, concrete, reinforced concrete, metal studs lathed with metal lath plastered not less than three-quarters of an inch thick, or wire glass not less than one-fourth of an inch thick set in metal frame and sash.

Other parts
of building.

17284. Every other portion of a fireproof building shall be constructed of approved fire resistant or incombustible material, except that:

(a) The glass in windows, transoms, or doors may be plain glass.

(b) The doors, frames, sash, and the usual trim of rooms, hallways, corridors, and passageways may be of wood.

(c) Wood floors may be placed over floors constructed of incombustible materials, except in the stairways and public hallways.

Article 3. Semifireproof Buildings.

Exterior
walls.

17300. Except as otherwise permitted by this part in the case of walls of inner courts and vent shafts surrounded on four sides by the same building, all exterior walls in a semifireproof building shall be constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile, or similar approved fire resistant or incombustible materials.

(Amended by Stats. 1939, Ch. 477.)

[ORIGINAL SECTION.]

17300. Except as otherwise permitted by this part in the case of walls of inner courts surrounded on four sides by the same building and of vent shafts, all exterior walls in a semifireproof building shall be constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile, or similar approved fire resistant or incombustible materials.

Roof.

17301. The roof of every semifireproof building shall be constructed of approved incombustible materials, or shall be well covered with composition fire resistant or fire retardent materials.

Trim,
frame,
glass.

17302. The usual trim of rooms, hallways, finished floors, windows, doors, and frames in a semifireproof building may be of wood, and the glass in windows and doors may be plain glass, except as otherwise prescribed in this part.

In excess
of four
stories.

17303. In every semifireproof building designed and built to exceed four stories in height, all the interior walls, partitions, ceilings, soffits of stairways, and stairwells shall meet the requirements for similar portions of fireproof buildings; or may be of wooden construction and lathed with metal lath plastered not less than three-fourths of an inch thick.

17304. In every semifireproof building designed and built not to exceed four stories in height, all the walls, partitions, ceilings of public hallways, soffits of stairways, stairwells, and the ceilings of basements or cellars shall meet the requirements for similar portions of semifireproof buildings designed and built to exceed four stories in height.

Four or less stories.

Article 4. Wooden Buildings.

17320. Unless it is impracticable because of soil conditions, every wooden apartment house or hotel shall have a masonry foundation composed of hard incombustible materials.

Foundation: Materials.

17321. The footings of the foundation shall not be less than twelve inches wide at their bottoms, nor shall the footings of the foundation walls be less than ten inches below the surface of the adjoining ground levels.

Footings.

17322. The foundation walls shall not be less than six inches wide at their tops, and shall extend at least six inches above the adjoining ground levels.

Walls.

17323. The width of the foundation walls and footings shall be increased whenever necessary to support additional loads transmitted to them.

Width.

17324. In every wooden apartment house designed and built to accommodate three or more families above the first story, and in every wooden hotel designed and built to accommodate six or more guests above the first story, the walls, partitions, and ceilings of public hallways, the soffits of interior stairways, and the stairwells shall meet the requirements for similar portions of semifireproof or fireproof buildings; or shall be lathed with metal lath plastered not less than three-quarters of an inch thick.

Stairways, etc.

Article 5. Plasterboard.

17340. Plasterboard of an approved type, composed of 75 per cent of nonflammable materials, not less than three-eighths of an inch thick, and provided with a mechanical key bond on its face, may be used in lieu of metal lath in any case where metal lath is specified in this part, except where it is apparent that metal lath only is permitted.

Use in lieu of metal lath.

(Amended by Stats. 1939, Ch. 477.)

[ORIGINAL SECTION.]

17340. Plasterboard of an approved type, composed of seventy-five per cent of nonflammable materials, not less than three-eighths of an inch thick, and provided with a mechanical key bond on its face, may be used in lieu of metal lath in any case where metal lath is specified in this part, except where it is apparent that metal lath only can be used.

Applica-
tion of
plaster, etc.

17341. Not less than three-eighths of an inch of plaster shall be applied on the plasterboard in a thorough workmanlike manner. If the plasterboard is used on the weather side of exterior walls, or the weather sides of the walls or partitions of courts, shafts, or vent shafts, a reinforcement of metal lath or redipped or galvanized wire mesh of not less than number 18 gauge shall be applied on the plasterboard before it is plastered.

CHAPTER 25. PLUMBING FIXTURES.

Article 1. General Provisions.

Running
water.

17450. Every plumbing fixture installed in any building shall be provided with running water.

Installation.

17451. Any water-closet, bath, shower, sink, slop-sink, faucet, or other plumbing fixture required by this part in any building need not be installed until it becomes practicable and possible to obtain running water and proper means of sewage disposal.

Noninstal-
lation
permit.

17452. The enforcement agency shall in every case determine whether or not it is practicable and possible to provide running water and proper means of sewage disposal, and if it decides that it is not, shall issue a special permit in writing authorizing the noninstallation of required plumbing fixtures. The permit shall be made in duplicate, and a copy shall remain on file with the enforcement agency.

Privy.

17453. When a permit authorizing the noninstallation of a water-closet is issued, a privy or toilet other than a water-closet for the deposit of fecal matter, urine, or sewage may be installed. It shall consist of a pit at least three feet deep, covered by a shelter sufficient to afford privacy and protection from the elements. Openings in the shelter shall be inclosed by metal mosquito screening, and the door to the shelter shall close automatically by means of a spring or other device.

Privy pit.

17454. The privy pit shall not be allowed to become filled with excreta to a point within one foot from the surface of the ground. The excreta in the pit shall be covered with earth, ashes, lime, or other similar substance at regular intervals.

The pit shall be maintained in a sanitary condition.

Removal
of privy.

17455. When a connection with a sewer becomes possible, any privy installed pursuant to this article shall be completely removed; the place where it was located shall be properly disinfected; and it shall be replaced by one or more individual water-closets meeting the requirements of this part relating to water-closets in buildings other than those erected prior to August 17, 1923.

17456. Every plumbing fixture affecting the sanitary drainage system of any building shall be properly connected with a street sewer, ready to receive connections, in the street abutting the lot on which the building is located. Sewer connection.

17457. If it is impracticable to connect a plumbing fixture affecting the sanitary drainage system with a street sewer, sewage or waste may be disposed of by connecting and draining the fixture into a cesspool constructed to the satisfaction of the enforcement agency, or may be disposed of by some other means satisfactory to the enforcement agency, until such time as it becomes practicable and possible to connect with a street sewer. Cesspool connection.

17458. In every building each plumbing fixture connected to the sanitary drainage system shall be provided with a water sealed trap. Trap.

17459. The trap shall be separately and effectively vented by means of a connection to a vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through it. Vent pipe: Connection.

17460. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes. Termination.

17461. Suitable cleanouts shall be placed at convenient points in the plumbing system of every building. Cleanouts.

17462. Every gas and water service connection shall be made of steel or iron, and shall be equipped with cutoff valves placed in a readily accessible location outside the building. Gas and water connection.

17463. Every other plumbing connection in any building shall be made of standard lead, iron, cast iron, steel, or brass. A house sewer connection, however, may be made of cast iron, vitrified clay, machine-made glazed cement pipe, or standard or extra heavy galvanized iron or steel. Other connections.

17464. No water-closet, slop-sink, or lavatory shall be inclosed with woodwork. The space under and around it shall be left open. Inclosure.

17465. The floor and wall surface beneath and around every water-closet, slop-sink, or lavatory shall be maintained in good repair, and if constructed of wood, shall be well painted with a light colored paint of sufficient body to make it non-absorbent. Repair.

Replace-
ment.

17466. Whenever any plumbing fixture becomes insanitary, the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this part.

Article 2. Water-closets in Buildings Erected Prior to
August 17, 1923.

Scope of
article.

17480. The provisions of this article are applicable only to buildings erected prior to August 17, 1923.

Apartment
house.

17481. At least one water-closet shall be installed in a separate compartment on a public hallway in an apartment house for every three, or fractional part of three, apartments on the same floor as the hallway which are not provided with private water-closets.

If two or more water-closets on a public hallway are required by this section, one of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

Hotel.

17482. At least one water-closet for each sex shall be installed in a separate compartment on a public hallway in an hotel. One of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

Same.

17483. If there are more than twelve guest rooms on a floor of an hotel, at least one water-closet shall be installed in a separate compartment on a public hallway on the floor for every twelve, or fractional part of twelve, guest rooms on the floor which are not provided with private water-closets.

Exemption.

17484. The housing department may exempt any apartment house or hotel from having the number of water-closets required by this article for either of the following reasons:

(a) The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.

(b) It is impracticable to install the water-closets because of structural features in the building.

The housing department has no authority under this section to exempt any portion of an apartment house or hotel added on after August 17, 1923, from having the number of water-closets required by this article.

Subsequent
installation.

17485. Every water-closet installed after August 17, 1923, in a building erected prior to that date shall meet the requirements of this chapter relative to a water-closet installed in a building erected after August 17, 1923. The compartment in which it is installed shall be provided with ventilation to the outer air in a manner satisfactory to the enforcement agency.

Article 3. Water-closets in Buildings Erected
After August 17, 1923.

17501. One water-closet shall be installed in a separate compartment, or in a compartment with a bath tub, shower, or lavatory, within each apartment in an apartment house for the exclusive use of the occupants of the apartment. Apartment house.

17502. If any apartment in an apartment house contains three or more rooms, excluding any bath room, it shall be so arranged that a person may have access to a water-closet compartment without having to pass through any bedroom. Access.

17503. If there is more than one sex on a floor of an hotel, at least one water-closet for each shall be installed in a separate compartment on a public hallway on the floor. One of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women." Hotel.

17504. If there are more than ten guest rooms on a floor of a hotel, at least one water-closet shall be installed in a separate compartment on a public hallway on the floor for every ten, or fractional part in excess of ten, guest rooms on the floor which are not provided with private water-closets. Same.

17505. Each water-closet on a public hallway in a hotel shall be accessible through the hallway from, and shall not be more than one hundred feet distant from the entrance door of, each guest room it serves. Access.

17506. One water-closet for each twenty, or major fraction of twenty, employees shall be installed in a convenient and suitable place in each hotel. Employees.

17507. One water-closet shall be provided for each family living in a dwelling. Dwelling.

17508. Every water-closet compartment shall be equipped with a full door, properly hung and provided with a lock or locking bolt. Door.

17509. No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is stored or prepared. Opening.

17510. The walls inclosing a water-closet compartment in an apartment house or hotel shall be well plastered or constructed of a nonabsorbent material, but the ordinary wood trim for openings may be used in the compartment. Walls.

17511. The floor of every water-closet compartment in an apartment house or hotel shall be made waterproof with Floor.

asphalt, tile, marble, terrazzo cement, or other similar non-absorbent material, extending not less than two inches upward on the walls of the compartment.

Bowl and
seat.

17512. Every water-closet shall have an earthenware bowl. It shall also have an earthenware seat integrated with the bowl; or may have attached directly to the bowl, a wooden seat made nonabsorbent with varnish or enamel, or a seat made of some nonabsorbent material.

Article 4. Bathtubs and Showers in Buildings Erected
Prior to August 17, 1923.

Scope.

17530. This article applies only to buildings erected prior to August 17, 1923.

Apartment
house.

17531. At least one bath tub or shower shall be installed in a separate compartment on each floor of an apartment house for every five, or fractional part of five, apartments on the floor which are not provided with private baths or showers.

Hotel.

17532. At least one bathtub or shower shall be installed in a separate compartment on a public hallway in an hotel for every twenty, or fractional part of twenty, guest rooms on the same floor as the hallway which are not provided with private baths. Each bathtub or shower shall be accessible from each guest room it serves through the public hallway.

Ventilation.

17533. Any room or compartment in which a bathtub or shower is installed in compliance with this article shall be provided with ventilation to the outer air in a manner satisfactory to the enforcement agency.

Exemption.

17534. The enforcement agency may exempt any apartment house or hotel from full compliance with this article for either of the following reasons:

(a) The exemption will not result in detriment to the health of the occupants or to the sanitation of the building or its premises.

(b) It is impracticable to comply fully with this article because of structural features in the building.

The enforcement agency has no authority under this section to exempt from the provisions of this article any portion of an apartment house or hotel added on after August 17, 1923.

Article 5. Bathtubs and Showers in Buildings Erected
After August 17, 1923.

Apartment
house.

17551. One bathtub or shower shall be installed in a separate compartment on each floor of an apartment house for every three apartments on the floor which are not provided

with private baths or showers. The bathtub or shower shall be accessible from each apartment it serves through the public hallway.

17552. At least one bathtub or shower provided with hot and cold water shall be installed in a separate compartment on a public hallway in an hotel for every ten, or fractional part of ten, guest rooms on the same floor as the hallway which are not provided with private baths. Each bathtub or shower shall be accessible from each guest room it serves through the public hallway. Hotel.

17553. The doors, walls, and floor of every bath or shower room or compartment in an apartment house or hotel shall meet the requirements of this part pertaining to the doors, walls, and floors of watercloset compartments in the building. Doors, etc.

Article 6. Sinks and Faucets.

17580. At least one kitchen sink shall be installed within each apartment in an apartment house. Kitchen sink.

17581. A kitchen sink shall be installed in each kitchen in a dwelling. Same.

17582. No wooden wash-tray or wooden kitchen sink shall be installed in any building. Prohibition.

17583. The space underneath any sink or wash-tray in any building shall not be so inclosed as to prevent its ventilation or inspection. Space.

17584. A door, panel, or other closure may be provided in the front or around any side of the space underneath the sink or wash-tray; but no front closure shall be nailed or otherwise permanently fixed in position, and every front closure shall be so installed that at least twenty per cent of the front area of the space is left available for ventilation. Closure.

17585. Faucets with running water, sufficient in number to wash all yards, courts, and passageways, shall be installed in every apartment house or hotel. Faucets.

CHAPTER 26. PROHIBITED BUILDING OR ROOM USES.

17700. It is unlawful for any person to cook or prepare food, or to permit another person to cook or prepare food, in any bath, shower, slop-sink, toilet room, water-closet compartment, or in any other portion of a building in which, in the judgment of the enforcement agency, the cooking or preparation of food is detrimental to the health of the occupants or the proper sanitation of the building. Cooking.

- Same. 17701. Food shall not be cooked or prepared in an hotel except in a kitchen or other room designed for that purpose.
- Sleeping. 17702. It is unlawful for any person to use, or to permit another person to use, any of the following portions of a building for living or sleeping purposes:
(a) Any kitchen, cellar, hallway, water-closet, bath, shower compartment, or slop-sink room.
(b) Any other room or place which does not comply with the provisions of this part, or in which, in the judgment of the enforcement agency, living or sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition; a want of light, windows, ventilation, or drainage; dampness; or offensive, obnoxious, or poisonous odors in the room or place.
- Same. 17703. No amusement, entertainment, reception, public dining, or similar room in any building, shall be used for sleeping purposes, unless it meets all the requirements for sleeping rooms.
- Paint shop, etc. 17704. No portion of any apartment house or hotel shall be used as a paint shop, paint store, a gasoline or oil service station or store, or a vulcanizing shop.
- Air space. 17705. Any room which was in existence on August 17, 1923, and which is, or is designed or intended to be, occupied for sleeping purposes by but one person shall contain not less than five hundred cubic feet of air space.
It is unlawful to use or permit another person to use for sleeping purposes any room constructed after August 17, 1923, that does not contain at least six hundred and thirty cubic feet of air space.
- Same. 17706. If any room is occupied by more than two persons, the minimum required cubic air space of the room shall be increased by not less than five hundred cubic feet for each person in excess of two that the room is designed, built, intended to, or does accommodate for sleeping purposes.
- Subdivision, etc. 17707. No part of any room in any apartment house or hotel shall be inclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device for any purpose contrary to any of the provisions of this part.

CHAPTER 27. MAINTENANCE, SANITATION, AND REPAIR GENERALLY.

- Repair. 17800. Every building shall be maintained in good repair.
- Roof. 17801. The roof of every building shall be kept water-proof, and all storm or casual water shall be properly

drained and conveyed from the roof to a street sewer, storm drain, or street gutter.

17802. All portions of a lot about a building, including the yards, areaways, vent shafts, courts, and passageways, shall be properly graded and drained. Drainage.

17803. If the enforcement agency considers it necessary for the protection of the health of the occupants, or for the proper sanitation, of an apartment house or hotel, it may require that the yards, areaways, vent shafts, courts, passageways, or other parts of the lot surrounding the building be graveled, or properly paved and surfaced with concrete, asphalt, or similar material. Surfacing, etc.

17804. The walls and ceiling of every sleeping room in an apartment house or hotel, unless there is sufficient natural light to permit a person to read in any part of the room during the day, shall be calcimined, painted, or papered with a light-colored material. The calcimine, paint, or paper shall be applied as often as may be necessary to maintain the walls and ceiling in a light color and clean and free from vermin. Painting.

17805. Unless built of light-colored materials, the walls of courts and shafts shall be painted in a light color or shall be whitewashed. The paint or whitewash shall be applied as often as may be necessary to maintain the walls in a light color. Same.

17806. Not more than two thicknesses of wallpaper shall be placed upon any wall, partition, or ceiling of any room in any apartment house or hotel. If any wall, partition, or ceiling with two thicknesses of wall paper in any such room is to be repapered, the old wall paper shall be first removed. Wallpaper.

17807. Painting or calcimining over wall paper is permissible. Same.

17808. Whenever necessary for the health of the occupants, or for the proper sanitation or cleanliness, of any building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, shall be provided for each exterior door, window, or other opening in the exterior walls of the building. Screening.

17809. Such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes, and rubbish as may be considered necessary by the enforcement agency, or a garbage chute or shaft approved by the housing department, shall be provided for every building. Each receptacle. Garbage receptacle.

chute, or shaft shall be kept in a clean condition by the following persons:

(a) In the case of a receptacle in an apartment house or dwelling, by the occupants or tenants of the building.

(b) In the case of a receptacle in an hotel, by the owner or person in charge of the hotel.

(c) In the case of a chute or shaft in any building, by the person in charge or in control of the building.

Receptacle
compartment.

17810. Every closet or compartment in a building used for storing a garbage receptacle shall be lined on all its sides and on the inside of all its doors with galvanized iron, with all joints made tight.

Sanitation.

17811. Each room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink room, wash room, plumbing fixture, drain, roof, closet, cellar, basement, yard, court, lot, and the premises of every building shall be kept in every part clean, sanitary, and free from all accumulation of debris, filth, rubbish, garbage, and other offensive matter.

Deposit
of rubbish,
etc.

17812. No person shall do, or permit or cause another person to do, any of the following:

(a) Deposit any swill, garbage, bottles, ashes, cans, or other improper substances in, or in any way obstruct, any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or plumbing fixture connection or drain.

(b) Put any filth, urine, or other foul matter in any place other than the place provided for it.

(c) Keep any filth, urine, or other foul matter in any room, or elsewhere in or about the premises, of any building for such length of time as will result in the creation of a nuisance.

Bedding.

17813. In every apartment house or hotel every part of every bed, including the mattress, sheets, blankets, and bedding, shall be kept in a clean, dry, and sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs, or other insects.

The bed linen of a bed in an hotel shall be changed as often as a new guest occupies the bed.

Towels.

17814. No roller or public towel shall be kept or maintained in an hotel for common use.

Dangerous
articles.

17815. Neither any article that is dangerous or detrimental to life or to the health of the occupants; nor any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard, shall be kept, stored, or handled in any part of an apartment house or hotel, or of the lot on which such building is situated, except upon a

written permit obtained from the officer or agency authorized by law to issue the permit. Every permit shall be made in duplicate, and a copy shall remain on file in the office of the officer or agency issuing it. Every filed copy constitutes a public record.

17816. Neither a horse, cow, calf, swine, sheep, goat, rabbit, mule, or other animal; nor a chicken, pigeon, goose, duck, or other poultry shall be kept in any part of any apartment house or hotel. Neither any such animal or poultry, nor any stable shall be kept or maintained within twenty feet of any window or door of an apartment house or hotel. Animals.

17817. Neither a horse, cow, calf, swine, sheep, goat, rabbit, or mule; nor a chicken, pigeon, goose, duck, or other poultry shall be kept in any part of any dwelling. Neither any such animal or poultry, nor any stable shall be kept or maintained within twenty feet of any window or door of a dwelling. Same.

17818. A janitor, housekeeper, or other responsible person shall reside in or upon the lot on which is situated, and shall have charge of, every apartment house in which eight or more families reside, or hotel in which there are twelve or more guest rooms, and in which the owner does not live. Caretaker.

17819. In every apartment house with more than two apartments above the first floor, and in every hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to illuminate properly every public hallway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room, in any part of which there is insufficient natural light to permit a person to read. Artificial light.

17820. In every apartment house with more than two apartments above the first floor, and in every hotel there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to illuminate properly every public hallway, passageway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room. Same.

CHAPTER 28. VIOLATIONS.

17900. It is unlawful for any person to violate, or cause or permit another person to violate, any provision of this part. Violation.

17901. Any person who violates any of the provisions of this part is guilty of a misdemeanor. In addition to the punishment provided by law, he is liable for all such costs, expense, and disbursements paid or incurred by the enforce- Penalties.

ment agency, or any of its officers, agents, or employees, in the prosecution of the violation as shall be fixed by the court in which the violation is prosecuted.

Copy of
judgment.

17902. A certified copy of every judgment imposing a fine upon an owner of any building for a violation of this part pertaining to the building shall, upon the entry of judgment, be filed forthwith by the enforcement agency in the office of the county recorder of the county in which the building is situated. The county recorder shall index it immediately upon receiving it in the index of mechanics' liens. The fine is a lien upon the building from the time the certified copy of the judgment is filed in the office of the recorder, subject only to taxes, assessments, and water rates, and to mortgage and mechanics' liens existing on the building prior to the filing.

Lien.

PART 2. AUTO CAMPS, TRAILER CAMPS, TRAILER COACHES.

CHAPTER 1. DEFINITIONS AND SCOPE.

"Auto
camp."

18100. "Auto camp," as used in this part, means any area or tract of land on which buildings or tents used or designed for use by automobile transients are maintained for hire; any space is rented or held out for rent to automobile transients; or free camping is permitted automobile transients for the purpose of securing their trade.

"Trailer
coach."

18101. "Trailer coach," as used in this part, means a vehicle without motive power which is designed for:

- (a) Human habitation.
- (b) Carrying persons and property on its own structure.
- (c) Being drawn by a motor vehicle.

"Trailer
camp."

18102. "Trailer camp," as used in this part, means any area or tract of land on which four or more trailer coaches are maintained or used for a continuing period in excess of seven days; space is rented or held out for rent to owners or users of trailer coaches; or free camping is permitted owners or users of trailer coaches for the purpose of securing their trade.

"Camp
site."

18103. "Camp site," as used in this part, means any portion of a trailer camp designed for the use or occupancy of one trailer coach or camping party.

"Nuisance."

18104. In an auto camp, "nuisance" includes any of the following:

- (a) Any public nuisance known at common law or in equity jurisprudence.
- (b) Whatever is dangerous to human life or is detrimental to health.
- (c) The overcrowding of any room with occupants.

- (d) Insufficient ventilation or illumination of any room.
- (e) Inadequate or insanitary sewage or plumbing facilities.
- (f) Uncleanliness.
- (g) Whatever renders air, food, or drink unwholesome, or detrimental to the health of human beings.

18105. This part does not apply to any supervised public park, public camp ground, or picnic ground owned, operated, or maintained by any of the following: Exemption.

- (a) The Federal Government.
- (b) The State.
- (c) Any agency or political subdivision of the State.

18106. This part applies only in the unincorporated areas of the State. Scope of part.

CHAPTER 2. ENFORCEMENT, ACTIONS, AND PROCEEDINGS.

18200. The California Highway Patrol shall enforce the provisions of this part relating to parking a trailer coach overnight near the traveled portions of a public highway. The Division of Immigration and Housing in the Department of Industrial Relations shall enforce every other provision of this part. Enforcement.

The officers or agents of the division may enter and inspect any auto camp to secure the enforcement of the auto camp provisions of this part. Inspection.

18201. The owner or operator of an auto camp or trailer camp shall abate any nuisance in the camp within five days, or within such longer period of time as may be allowed by the Division of Immigration and Housing, after he has been given written notice by the division to remove the nuisance. If he fails to do so within that time, the district attorney in the county in which the camp, or the greater portion of the camp, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California. Abatement of nuisances.

18202. In any action or proceeding to abate a nuisance in an auto camp, proof of the following facts is sufficient for a judgment or order for the abatement of the operation of the camp: Judgment or order.

- (a) Previous conviction of the owner or operator of the camp of a violation of this part which constitutes a nuisance.
- (b) Continued failure on the part of the owner or operator to correct the violation after the conviction.
- (c) The violation is the basis for the proceeding.

CHAPTER 3. PERMITS AND FEES.

18300. It is unlawful for any person to do any of the following unless he first makes application in writing to the Permit required.

Division of Immigration and Housing and obtains a permit therefor:

(a) Commence the construction of a new auto camp or trailer camp.

(b) Construct additional buildings or tents, or reconstruct or move existing buildings or tents, in an existing auto camp.

(c) Construct additional buildings, or reconstruct or move existing buildings, in an existing trailer camp.

Plans, fee,
etc., for
new camp.

18301. In the case of a new auto camp or trailer camp, the application shall be accompanied by:

(a) A description of the grounds upon which the camp is to be constructed.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

(d) A fee of twenty-five dollars.

Same:
Existing
camp.

18302. In the case of an existing auto camp or trailer camp, the application shall be accompanied by:

(a) A description of the grounds upon which buildings or tents are to be added or reconstructed, or to which buildings are to be moved.

(b) Plans and specifications of the proposed addition, reconstruction, or movement.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

(d) A fee of twenty-five dollars, except when the work proposed consists merely of making additions, alterations, or repairs on buildings, tents, or equipment.

Issuance
of permit.

18303. Within ten days after the application, descriptions, plans and specifications, and required fee, if any, are filed and paid, an inspector of the Division of Immigration and Housing shall inspect the grounds upon which the applicant proposes to do the work for which he seeks a permit. The division shall thereafter issue a permit to the applicant if, in its opinion:

(a) The grounds are satisfactory for the work proposed.

(b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

Disposition
of fees.

18304. Every fee collected pursuant to this part shall be paid into the State treasury and credited to the general fund.

CHAPTER 4. AUTO CAMPS.

Article 1. Construction.

Generally.

18400. Every building or tent in an auto camp shall be constructed in a substantial manner; and shall provide shelter to the occupants against the elements, and exclude dampness in inclement weather.

18401. There shall be a clear air space under the lower floor of every building or tent in an auto camp. The air space shall:

(a) Measure at least twelve inches in the clear from the under side of the floor joists to the ground directly beneath.

(b) Be inclosed.

(c) Be provided with a sufficient number of openings with screens, lattice work, or similar installations, of a size to insure ample ventilation.

The surface underneath the floor shall be kept clean, and shall be free from any accumulation of rubbish, debris, or filth.

18402. Every sleeping room in any building or tent in an auto camp shall:

(a) Have a floor area of at least eighty square feet.

(b) Be at least seven feet in width at any point within that portion of the room included in computing the minimum floor area.

18403. Every sleeping room and kitchen in any building or tent in an auto camp shall have a ceiling height of at least eight feet, measured from the finished floor to the finished ceiling; but if the room has a sloping ceiling, the ceiling height may be eight feet in only one-half the area of the room.

18404. Every partition in a building or tent in an auto camp separating a room used for cooking purposes from a room used for sleeping purposes shall extend to the ceiling; or to the roof, if there is no ceiling.

Article 2. Windows.

18430. "Window," as used in this article, includes a French door or window.

18431. Windows required by this article may be measured the full width of the sash.

18432. Every living room, sleeping room, or kitchen in every building in any auto camp shall be provided with one or more windows having an aggregate area of not less than one-eighth the floor area of the room, or not less than twelve square feet, whichever is the greater.

Every bath or toilet room in the building shall be provided with one or more windows having an aggregate area of not less than three square feet.

18433. Windows required by this article shall be so arranged that at least one-half of their aggregate area may be opened without obstruction.

18434. All required windows shall abut upon a street, or a yard or court of adequate dimensions and open and unob-

structed to the sky. Required bath or toilet room windows, however, may open into a vent shaft at least eighteen inches in its smallest dimension and open and unobstructed to the sky.

Roofed
porch.

18435. Any window required by this article may open through a roofed porch which:

(a) Does not exceed six feet in depth.

(b) Has one side and has ends abutting a street, or a yard or court of adequate dimensions and open and unobstructed to the sky.

(c) Is so designed and constructed that the side and ends are at least seventy-five per cent open and unobstructed between the floor and underside of the roof.

(d) Has a ceiling height of not less than seven feet.

The open and unobstructed side and ends of the porch may be covered with metal screening of at least sixteen mesh.

If windows in rooms of any building in existence on August 14, 1931, which is remodeled, added to, or repaired, open through a roofed porch, the latter need not meet the requirements of this section.

Building
in existence
August
14, 1931.

18436. In any building in existence on August 14, 1931, the area of any window opening on a side of the building under a car shelter may be counted as required window area if:

(a) The shelter is not over eighteen feet in length and has a minimum height of eight feet above the ground.

(b) The window area is not less than one-sixth of the floor area in the room.

(c) The window is so constructed that it gives light and ventilation.

Article 3. Plumbing, Use, and Sanitation.

Toilet.

18460. One toilet for each sex shall be provided for every ten units in an auto camp.

Plumbing.

18461. In every building or tent in an auto camp all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented, and made sanitary in every particular.

Cooking and
sleeping.

18462. It is unlawful to cook and sleep in the same room in a building or tent in an auto camp.

Air space.

18463. It is unlawful to use or permit to be used for sleeping purposes any room in any building or tent in an auto camp that does not contain at least six hundred and forty cubic feet of air space.

If any room is used for sleeping purposes by more than two persons, the minimum required cubic air space of the room shall be increased by not less than five hundred cubic feet for

each additional person in excess of two that the room is designed, built, or intended to, or does, accommodate.

This section does not apply to tents owned by automobile transients. Exception.

18464. Every building or tent in an auto camp, and the premises surrounding it, shall be kept clean and sanitary in every part, and shall be free from the accumulation of debris, filth, rubbish, garbage, or other offensive matter. Sanitation.

Article 4. Register.

18480. Every person who owns or operates an auto camp shall keep a register in which shall be entered (a) the name and address of each guest who is the owner of an automobile for which space is rented in the camp, and (b) the make, type, and license number of the automobile. Register.

CHAPTER 5. TRAILER CAMPS AND TRAILER COACHES.

Article 1. General Provisions.

18600. Any trailer coach from which the wheels have been removed, except for the purpose of making temporary repairs or placing it in dead storage, is a permanent residence. It shall meet all the requirements of the housing ordinances of the county in which it is located and of the State housing laws. Permanent residence.

18601. It is unlawful for any person to use, occupy, or maintain any trailer coach upon any area or tract of land for a period of more than seven days during any one three months' period of time without the permission of the owner or person legally in charge of the land. Occupation of land.

18602. It is unlawful for any person using, occupying, or maintaining any trailer coach to camp or park it over night within twenty feet of the traveled portions of a public highway. Parking.

Article 2. Camp Sites.

18625. Each camp site in a trailer camp shall be not less than twenty by twenty-five feet in dimensions. Dimensions.

18626. A trailer camp shall not accommodate any camping parties for whom there are no available camp sites in the camp. Prohibition.

Article 3. Water-closet, Bathing, and Plumbing Facilities.

18650. If it is impracticable to obtain sufficient water for flushing purposes, chemical toilets may be maintained in a trailer camp with the approval of the health officers of the county in which the camp is located. Otherwise, flush water-closets in separate compartments shall be installed for each Water-closet.

sex within two hundred feet of each part of the camp. There shall be not less than one water-closet for each fifteen, or fractional part of fifteen, persons of each sex.

Signs. 18651. In every trailer camp water-closets for men shall be distinctly marked: "For men"; and water-closets for women shall be distinctly marked: "For women."
In addition, the location of water-closets shall be plainly indicated by signs.

Floor. 18652. The floor of every water-closet shall be constructed, and shall be maintained in a waterproof condition by the use, of cement, concrete, or other waterproof material. The waterproof material shall be applied upward on the interior walls of the water-closet, to a height of not less than twelve inches above the floor.

Prohibition. 18653. It is unlawful for any person to use, or permit the use of, any toilet in any trailer coach located or camped within a trailer camp.

Bathing facilities. 18654. In every trailer camp, shower baths or other bathing facilities with running water shall be installed in separate compartments for every twenty, or fractional part of twenty, persons of each sex.

Floor. 18655. The floor of every shower bath compartment shall be constructed, and shall be maintained in a waterproof condition by the use, of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the compartment to a height of not less than five feet above the floor.

Sanitation. 18656. Every water-closet or compartment containing bathing facilities shall be:
(a) Kept clean.
(b) Kept free from obnoxious odors, flies, mosquitoes, or other insects.
(c) Well lighted, and ventilated directly to the outside air.

Slop sinks. 18657. There shall be installed in every trailer camp one or more slop sinks which shall be:
(a) Properly trapped and connected with a sewer or cess-pool.
(b) Conveniently located within one hundred feet of each trailer coach or camp site.

Water. 18658. There shall be in every trailer camp an adequate supply of clean water for all the requirements of the camp. The water shall be obtainable from faucets installed within one hundred feet of each part of the camp.

18659. No dipping vessels or cups for common use are permissible in any trailer camp. Cups.

Article 4. Garbage and Rubbish Disposal.

18680. In every trailer camp one or more metal garbage cans with tight fitting covers, appropriately labeled, shall be provided for every six, or fractional part of six, trailer coaches or camp sites within the camp. Garbage cans.

18681. All garbage, waste, and rubbish in every trailer camp shall be burned, buried, or removed from the premises without creating a nuisance, in such manner as may be approved by the health department of the county in which the camp is located. Incinerators for burning combustible rubbish shall be provided in every camp. Disposal of garbage.

18682. Any person who uses, occupies, operates, or maintains any trailer coach shall not deposit or dispose of any garbage, rubbish, or refuse otherwise than by burning or burying it at a distance more than fifty feet from any public highway or road and more than two hundred feet from any spring, well, stream, lake, reservoir, or other source of water supply. Same.

18683. Buckets or other suitable receptacles shall be placed in such manner as to receive all water or waste which may be deposited from any refrigerator drain, sink, or waste pipe of any trailer coach which is camped, parked, or located within the unincorporated area of the State. Buckets.

18684. It is unlawful to permit the buckets or receptacles to overflow. Same.

18685. If the trailer coach is camped or parked within any trailer camp, the buckets or receptacles shall be emptied or their contents shall be disposed of only in a slop sink required by this article. Same.

If the trailer coach is camped or parked elsewhere, the buckets or receptacles shall be emptied or their contents shall be disposed of at a distance more than fifty feet from any trailer coach, public highway, or road and more than two hundred feet from any spring, well, stream, lake, reservoir, or other source of water supply.

Article 5. Maintenance and Sanitation.

18710. The area or tract of land upon which a trailer camp is maintained shall be: Drainage.

- (a) Well drained and graded.
- (b) Kept free from dust.

- Sanitation. 18711. Every trailer coach and trailer camp shall be kept clean; and shall be free from:
- (a) The accumulation of refuse, garbage, rubbish, or debris.
 - (b) An excessive infestation of flies or insects.
- Caretaker. 18712. It is unlawful for any person to operate or maintain, or cause or permit to be operated or maintained, any trailer camp, unless there is a caretaker in the camp at all times. The caretaker shall enforce within the camp the provisions of this chapter governing the operation and maintenance of trailer camps.

CHAPTER 6. VIOLATIONS.

- Penalty. 18800. Every owner or operator of an auto camp who violates any provision of this part relating to auto camps is guilty of a misdemeanor.
- Prohibition. 18801. It is unlawful for any person to operate or maintain a trailer camp that does not meet the requirements of this part relating to trailer camps.
- Penalty. 18802. Every person who violates any provision of this part relating to trailer camps or trailer coaches applicable to him is guilty of a misdemeanor punishable by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days.

PART 3. MISCELLANEOUS.

CHAPTER 1. SCOPE AND APPLICATION.

- Scope of part. 19000. Any provision in this part which is inconsistent with any provision in the State Housing Act is inapplicable to buildings subject to that law.

CHAPTER 2. EARTHQUAKE PROTECTION.

Article 1. Scope and Application.

- Exemptions. 19100. This chapter does not apply to any of the following buildings:
- (a) Any building not intended primarily for occupancy by human beings and located entirely outside the limits of a city or city and county.
 - (b) Any building designed and constructed for use exclusively as a dwelling by not more than two families and located entirely outside the limits of a city or city and county.
 - (c) Any building designed and constructed primarily for use in housing poultry, live stock, hay, grain, or farm machinery and supplies, and located wholly or in part within the limits of a city or city and county.

(d) Any building under construction on and prior to May 26, 1933.

19101. Any city, city and county, or county may establish by ordinance construction standards higher than those established by this chapter. Local standards.

Article 2. Enforcement.

19120. The building department of every city and county shall enforce this chapter within the city or city and county. In cities.

“Building department” means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings. “Building department.”

19121. The department, officer, or officers of a county who are charged with the enforcement of ordinances or laws regulating the erection, construction, or alteration of buildings shall enforce this chapter within the county but outside the territorial limits of any city. Outside cities.

19122. Any city or county may, by ordinance, designate any department or officer, other than a department or officer mentioned in this chapter, to enforce all or any part of this chapter. Local designation.

Article 3. Design and Construction.

19150. Every building subject to this chapter shall be designed and constructed to resist and withstand horizontal forces from any direction of not less than either of the following, whichever is the greater: Horizontal force resistance.

(a) Two per cent of the total vertical design load.

(b) Twenty pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building more than sixty feet in height, and fifteen pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building sixty feet or less in height.

19151. In computing the resistance of any building to horizontal forces, the stresses resulting from the combined vertical and horizontal forces shall not exceed one and one-third times the allowable working stresses. Computation.

“Allowable working stresses” means stresses specified by: “Allowable working stresses.”

(a) An ordinance of the locality in which the building is situated.

(b) The Division of Architecture in the State Department of Public Works for the locality in which the building is situated, if the locality has no ordinance on the subject.

Article 4. Violations.

Penalty. 19170. Any person who constructs a building in violation of this chapter is guilty of a misdemeanor.

CHAPTER 3. AIR SPACE IN SLEEPING ROOMS.

Air space. 19300. Every room used for sleeping purposes in any building or structure within any city shall contain at least five hundred cubic feet of air space for each occupant. If any such room contains less air space, any owner, lessor, lessee, landlord, tenant, or occupant of the room is guilty of a misdemeanor.

CHAPTER 4. HOTEL BEDDING AND SANITATION.

Article 1. Definitions.

"Hotel." 19400. "Hotel," as used in this chapter, includes a lodging house, rooming house, or other building or structure maintained, advertised, or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, whether with or without meals.

"Bedding." 19401. "Bedding," as used in this chapter, includes bedclothes, bedcovering, mattresses, quilts, blankets, sheets, pillows, pillow slips, and comforters.

Article 2. Enforcement.

Enforcement. 19420. The State Department of Public Health and the local health officers shall enforce this chapter.

Article 3. Bedding.

Supply. 19440. Every bed used in any hotel shall be provided with a sufficient supply of bedding.

Change. 19441. Clean sheets and pillow slips shall be supplied for each bed in an hotel at least as often as the bed is assigned to a different person.

Sheet dimensions. 19442. Sheets on single beds in an hotel shall be at least fifty inches wide and ninety-eight inches long. Sheets on all other beds in an hotel shall be at least eighty-one inches wide and ninety-eight inches long.

Sanitation. 19443. All bedding used in any hotel shall be kept clean, and shall be free from filth or dirt.

Worn bedding. 19444. Bedding which is worn out or unfit for use by human beings shall not be used in any hotel.

Article 4. Sanitation.

19470. In every hotel in which there is a public washstand Towels. or washbowl, there shall be a sufficient supply of clean, individual towels for the use of, and visible and easily accessible to, persons who may use the washstand or washbowl.

19471. Every room used for sleeping purposes in any Ventilation. hotel shall be properly and sufficiently ventilated by means of a window, transom, or other device.

19472. Any room in any hotel which is infected with bed- Fumigation. bugs or other vermin shall be fumigated, disinfected, and renovated until the bedbugs or other vermin are exterminated.

19473. The walls, floor, ceiling, doors, and other portions Sanitation. of every room used for sleeping purposes in any hotel shall be kept free from dirt or filth.

Article 5. Violations.

19500. Every owner, lessee, manager, or person in charge Penalty. of any hotel who violates, or permits a violation of, this chapter is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars or imprisonment for not more than three months.

He is guilty of a separate offense for each day that he commits or permits a violation.

CHAPTER 5. GAS ILLUMINATION IN RENTED ROOMS.

19600. Unless the exit orifices on the gas fixtures in the Turning off gas at meter. building are connected with a practical and safe automatic gas igniter, every keeper of an hotel, lodging house, or other building or structure containing rooms rented to lodgers, in which illuminating gas is used, who turns off, or causes the turning off of, the flow of the gas at the meter during the time that any room is in use is guilty of a misdemeanor.

CHAPTER 6. EXIT AND STAIRWAY SIGNS IN HOTELS, ETC.

19700. The owner, lessee, manager, or other person in con- Signs. trol or in charge of any hotel, lodging house, or rooming house shall place and maintain in conspicuous places in the halls of the building signs directing the way to the exits and stairways.

19702. Any person who violates this chapter is guilty of a Penalty. misdemeanor punishable by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, or by both.

DIVISION XIV. POLICE PROTECTION.

PART 1. POLICE PROTECTION DISTRICTS.

CHAPTER 1. IN UNINCORPORATED TOWNS.

Article 1. Definitions and General Provisions.

- "District." 20000. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes.
- "Board." 20001. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed.
- "District board." 20002. "District board," as used in this chapter, means the board of police commissioners of a district.
- "Commissioner." 20003. "Commissioner," as used in this chapter, means a member of the district board.
- Reference. 20004. Any reference in this chapter to a county or county officer is a reference to the county or officer of the county in which a district is situated.
- Errors, etc. 20005. No tax levied, assessed, or collected, and no election held, pursuant to this chapter is illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with this chapter.

Article 2. Formation.

- Area of formation. 20025. Any unincorporated town may, pursuant to this article, be formed into a district for equipping and maintaining a police department to protect and safeguard life and property.
- Petition. 20026. Proceedings for the formation of a district are initiated whenever fifty or more persons who are taxpayers and residents of an unincorporated town present a petition to, and at a regular meeting of, the board of the county in which the town is situated.
- Contents. The petition shall contain:
(a) A statement of the name and boundaries of the proposed district.
(b) A request for the formation of the district.
- Time of hearing. 20027. The board shall fix a time and place for hearing the petition and all protests against it. The hearing shall be not less than twenty-five nor more than thirty days after the date of the presentation of the petition.

20028. At least seven days before the date set for the hearing, the clerk of the board shall post notices of the presentation and hearing of the petition in three of the most public places in the proposed district. The notices shall be headed, "Notice of the Proposed Formation of ----- Police Protection District" (stating the name of the proposed district), in letters not less than one inch in height. They shall set forth in legible characters:

Notice:
Posting.

- (a) The fact and date of the presentation of the petition.
- (b) The time and place set for hearing the petition and protests.
- (c) The boundaries of the proposed district.
- (d) A reference to the petition for further particulars.

20029. The clerk of the board shall also publish a notice, similar in substance to the notices required to be posted, at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is situated and designated by the board. The publication during the second week shall be made at least seven days before the date set for the hearing.

Publication.

20030. Any person interested in the proposed district who has any objection to its formation or extent, or to the inclusion of his property, may file a written protest setting forth his objection with the clerk of the board at or before the time set for hearing the petition.

Protests.

The clerk shall note on each protest the date of its receipt by him, and shall present the protest to the board at the time fixed for the hearing.

20031. The board shall hear and pass upon the petition and every protest at the time fixed in the notices of hearing, or at any time to which the hearing may be continued.

Hearing.

20032. If any protest filed sets forth an objection to the extent of, or the inclusion of property in, the proposed district, the board at the hearing shall define and establish the boundaries. To that end, it may make such changes in the proposed boundaries of the district as it finds are proper and advisable. However, it shall not:

Boundaries.

- (a) Extend the proposed boundaries.
- (b) Modify the proposed boundaries so as to exclude from the district any territory which will be benefited by the district.
- (c) Include any territory which will not, in its judgment, be benefited by the district.

20033. The board acquires jurisdiction to proceed further pursuant to this chapter at the time fixed for the hearing of the petition, if no protest is filed; or after the boundaries of

Jurisdiction
to proceed.

the proposed district are defined and established, if a protest is filed.

Order. 20034. Within thirty days after acquiring jurisdiction to proceed further, the board shall by resolution order the establishment of the district.

Name. 20035. The name of the district shall be designated in the order as: "----- Police Protection District of ----- County" (stating the name of the district and the name of the county in which the district is situated).

Entry and effect of order. 20036. The order establishing the district shall be entered in the minutes of the board and shall be prima facie evidence of:

- (a) The presentation of a proper petition to the board.
- (b) The fact that at the time he signed the petition and at the time of its presentation each petitioner was a taxpayer and resident of the territory occupied by the district.
- (c) The fact and regularity of all prior proceedings required by this article.
- (d) The existence and validity of the district.

Decision final. 20037. The decision of the board on any petition for the formation of a district is final.

Article 3. Administration.

Board. 20060. A district shall be governed by a district board of three commissioners, each of whom shall be a resident of the district.

First commissioners. 20061. Within thirty days after acquiring jurisdiction to proceed further, and at the same time as, or after, the adoption of the order establishing the district, the board shall appoint the first commissioners of the district. Each of such commissioners shall hold office until the second Monday in April next after his appointment, and until his successor is elected and has qualified pursuant to this article.

Immediate successors. 20062. The immediate successors of the first commissioners shall be selected at an election on the first Monday of April following the appointment of the first commissioners, for terms commencing on the next succeeding Monday of the same month. These commissioners shall at their first meeting so classify themselves by lot that one of their number shall go out of office on the second Monday of April of the year next succeeding the election; one on the second Monday of April of the second year succeeding the election; and one on the second Monday of April of the third year succeeding the election.

20063. On the first Monday of April of the year next succeeding the first election, and on the first Monday of April annually thereafter, one commissioner shall be elected for a term commencing on the next succeeding Monday in the same month and terminating at the end of three years and when his successor is elected and has qualified.

Annual
election.

20064. Except as otherwise provided in this article, an election for a commissioner shall be conducted pursuant to the general election laws of the State.

Election
law.

20065. The district board shall post notices of the election in three public places within the district for at least two weeks before the day of the election.

Notices.

20066. The district board shall appoint judges of election to conduct the election. Within twenty-four hours after the election, the judges of election shall report and certify to the district board the number of votes cast for each person voted for.

Judges.

20067. Within five days after it receives the returns from the judges of the election, the district board shall canvass the returns, determine who has been elected, and forthwith issue a certificate of election to each person elected.

Canvass of
returns.

20068. A vacancy occurring in the office of an elected commissioner shall be filled by an appointment of the board.

Vacancy.

20069. Every commissioner shall serve without compensation.

Compensation.

20070. The district board shall adopt all rules and regulations necessary for the administration, operation, and maintenance of the district.

Rules and
regulations.

20071. The district board shall determine the number of employees, if any, necessary for the proper care and protection of the life and property of residents in the district. It shall appoint all district employees and prescribe their duties and compensation. All such employees shall hold their positions at the pleasure of the district board.

Employees.

20072. For the purpose of housing its police equipment and apparatus, the district board may acquire land and erect a police station; or acquire land on which a police station, or a building suitable for a police station, has been erected.

Police
station.

20073. Before acquiring any real property for a police station, the district board may submit to the voters in the district at a special election, or at the annual election for a commissioner, the proposition whether or not land shall be acquired and a police station built thereon; or whether or

Submission
to voters.

not land on which a police station, or a building suitable for a police station, has been erected shall be acquired. The approval or disapproval of the voters shall be binding upon the district board.

Title to
property.

20074. All real property for a police station acquired pursuant to this article shall be conveyed to and held in the name of the "Board of Police Commissioners of the Police Protection District -----" (naming the district).

Payment for
property.

20075. The district board may pay for any real property it acquires for a police station out of money derived from the annual district tax, or out of money derived from a special tax approved by the voters in the district at an election. The procedure and conduct of an election for the approval of a special tax shall conform to that specified in this chapter for the approval of a special tax for the establishment and equipment of a police department.

Disposal of
property.

20076. The district board may dispose of any real property acquired for a police station. The disposition shall, however, be first approved by the voters in the district at an election, if the property was acquired pursuant to their approval at an election. The proceeds from the disposition shall be exclusively devoted to the purchase of other real property.

Contracts.

20077. The district board may make and award contracts and may sue and be sued in the name of the district.

Records.

20078. The district board shall keep a correct record of all its acts and proceedings, and of all its receipts and disbursements. For that purpose, it shall procure all necessary books and blanks.

The books of the district board shall be open to public inspection at all times.

Books and
documents.

20079. Each commissioner shall, at the expiration of his term of office, turn over to his successor all books and documents in his possession belonging to the district board and take a receipt therefor.

Payment
of bills.

20080. All accounts, bills, and demands against the district shall be audited, allowed, and paid by the district board by warrants of the county auditor drawn on the county treasurer upon orders of the district board. The county treasurer shall honor the warrants in the order in which they are presented.

Other
duties.

20081. In addition to the duties specified in this chapter, the district board shall perform such other duties as are proper and necessary to carry out this part.

Article 4. Taxation.

20101. The district board shall call an election at which it shall submit to the voters in the district the question whether a special tax shall be levied for establishing and equipping a police department for the protection of life and property in the district.

Special tax election.

20102. The election shall be called by posting notices in three of the most public places in the district for not less than ten days; and if there is a newspaper printed and published in the district, by publishing a notice in at least two regular issues of the newspaper.

Notice.

20103. The notice shall specify the time and place of the election, and the amount required for the establishment and equipment of the police department.

Contents.

20104. The ballots used at the election shall contain the words "Tax—Yes," and "Tax—No."

Ballots.

20105. The district board shall appoint three judges and two clerks to conduct the election. The election shall be conducted as far as practicable pursuant to the general election law; but neither a new register nor legal ballot paper is required, and the polls may be opened at eight o'clock a.m., and closed at five o'clock p.m. on the day of the election.

Conduct of election.

20106. Within twenty-four hours after the election, the judges of the election shall report and certify to the district board the number of votes cast for and against the tax.

Vote report.

20107. If the majority of the votes cast are in favor of the tax, the district board shall report to the board the amount of money authorized to be raised.

Report to board.

20108. The district board shall make an annual estimate of the amount of money required during the ensuing fiscal year for the maintenance of any police department established in the district, and for the cost of any other thing necessary for carrying out this part; and shall submit it to the board not later than the first day of July of each year.

Annual estimate.

20109. At the time of levying the county taxes, the board shall levy a tax upon all the taxable property in the district sufficient to raise any amount reported to it pursuant to this article by the district board. The rate of the tax shall be ascertained by first deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property appearing on the county assessment roll, and then dividing the amount reported by the remainder of the aggregate

Annual tax.

assessed value. The tax shall be computed and entered on the assessment roll by the county auditor and collected at the same time and in the same manner as county taxes.

Limit:
Special tax.

20110. Any amount of money raised for the establishment and equipment of a police station in a district by a special tax levied pursuant to this article shall not exceed in any one year one per cent of the assessed value of the taxable property in the district.

Annual tax.

20111. Any amount of money raised for the maintenance of a police department in a district by an annual tax levied pursuant to this article shall not exceed in any one year one-half of one per cent of the assessed value of the taxable property in the district.

Disposition
of money.

20112. All money collected pursuant to this article shall be paid into the county treasury for the use of the district. The county treasurer shall pay it out on warrants of the county auditor drawn on the county treasurer upon orders of the district board.

County
treasurer.

20113. The county treasurer shall not receive any compensation for performing duties relating to the receipt and disbursement of money collected pursuant to this article.

Article 5. Dissolution.

Dissolution.

20130. Any district may be dissolved by the board pursuant to this article.

Petition.

20131. Proceedings for the dissolution of a district are initiated whenever a petition requesting dissolution and signed by fifty or more persons who are both freeholders and residents of the district, or by a majority of persons who are both freeholders and residents of the district, whichever number is the lesser, is filed with the board.

Time of
hearing.

20132. The board shall fix a time for hearing the petition on a date not less than ten nor more than thirty days after the receipt of the petition.

Notice.

20133. The board shall publish a notice of the hearing at least a week prior to the time fixed therefor by one insertion in a newspaper of general circulation published in the district; or in a newspaper published in the county in which the district is located, if there is no newspaper published in the district.

Hearing.

20134. At the time fixed for the hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition and all objections to it made by

persons interested. The board shall either deny the petition, or adopt a resolution calling an election upon the proposition of dissolving the district.

20135. A resolution calling a dissolution election shall: Election resolution.

(a) Specify the date of the election, which shall be held not less than twenty days after the adoption of the resolution.

(b) Designate one or more election precincts within the district.

(c) Designate a polling place in each precinct.

(d) Designate the names of one judge, one inspector, and one clerk for each precinct, to act as election officers.

20136. In any particular not recited in the resolution, the election shall be held pursuant to the law governing the holding of general elections in the county. Election law.

20137. The resolution shall be published once a week for two successive weeks prior to the date set for the election in a newspaper of general circulation published in the district; or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located and considered by the board to be the one most likely to give notice of the election to the voters. The resolution shall also be posted in three of the most public places in the district at least ten days prior to the date set for the election. Publication.

The only notice of the election required is that specified in this section. Posting.

20138. The ballots used at the election shall state in substance the following proposition: Ballots.

“Shall the ----- Police Protection District in ----- County be Dissolved?” (stating the name of the district and the name of the county in which it is located).

Opposite the stated proposition shall be printed the words “Yes” and “No,” together with voting squares.

20139. Any resident of the district entitled to vote at a general election may vote at the election on the proposition of dissolution. Electors.

20140. If a majority of the votes cast at the election are in favor of dissolution, the board shall enter a finding to that effect upon its minutes, and thereafter the district is dissolved. Result.

20141. Upon the dissolution of a district any property of the district then lying within any city vests absolutely in that city; and any property then lying outside a city vests absolutely in the county. Vesting of property.

20142. The funds of a district on hand at the time of dissolution shall be divided between each city in which the Division of funds.

property of the district then lies and the county, in the proportion that the total assessed value of the real property of the district in each city and of the real property outside a city bears to the total assessed value of all the real property in the district. The assessed value of the property shall be determined by a reference to the last equalized assessment roll of the county prior to the dissolution.

Use of
property
and funds.

20143. The property and funds reverting to a county pursuant to this article shall be used for general police protection purposes in the county.

CHAPTER 2. IN UNINCORPORATED TERRITORY.

Article 1. Definitions.

"District." 20300. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes.

"Board." 20301. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed.

Article 2. Formation.

Area of
formation.

20310. Any unincorporated territory may, pursuant to this article, be formed into a district for equipping and maintaining a police department to protect and safeguard life and property.

Petition.

20311. Proceedings for the formation of a district are initiated whenever fifty-one per cent or more of the persons who are taxpayers and residents of unincorporated territory present a petition to, and at a regular meeting of, the board of the county in which the territory is situated.

The petition shall contain:

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.

Time of
hearing.

20312. The board shall fix a time for hearing the petition and all protests against it. The hearing shall be not less than twenty-five nor more than thirty days after the date of the presentation of the petition.

Notice:
Posting.

20313. The clerk of the board shall post notices of the hearing in three public places in the proposed district. The notices shall set forth:

(a) The fact that a petition requesting the formation of a district has been presented.

(b) The proposed name and the boundaries of the district.

20314. A notice, similar to the notices required to be ^{Publication.} posted, shall be published at least once a week for two consecutive weeks in a newspaper of general circulation published in the county in which the proposed district is situated.

20315. At the hearing any person interested in the proposed district may file a written protest against its formation or extent, or against the inclusion of his property in the district. ^{Protests.}

20316. The board may make such changes in the proposed boundaries of the district as it finds are advisable. However, it shall not: ^{Boundaries.}

(a) Extend the proposed boundaries.

(b) Modify the proposed boundaries so as to exclude from the district any territory which will be benefited by the district.

(c) Include any territory which will not be benefited by the district.

20317. If, at the hearing, the board determines that the formation of the proposed district will be for the best interests of the unincorporated territory concerned, it shall form the district by a resolution describing its boundaries and giving it a name. ^{Determination.}

Article 3. Administration and Taxation.

20330. The members of the board are ex officio directors of the district. ^{Directors.}

20331. The board may perform all acts necessary to provide adequate police protection in the district. ^{Powers.}

20332. The board may levy a tax on property in the district sufficient to raise a sum not in excess of twenty-four hundred dollars per annum. The tax shall be levied and collected in the same manner and by the same officers as in the case of county general property taxes. ^{Annual tax.}

PART 2. MISCELLANEOUS.

CHAPTER 1. PROTECTION AT PUBLIC MEETINGS.

20500. The mayor or other officer in control of the police force in a city shall direct a sufficient number of policemen to attend and keep order at any public meeting in the city at which, in his opinion, a breach of the peace may occur. ^{Public meetings.}

DIVISION XX. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS.

CHAPTER 1. HEALTH AND SAFETY OF BATHERS.

Article 1. Life Saving Devices.

- "Resort." 24000. "Resort," as used in this article, means a resort, bathhouse, or other public place for the purpose of accommodating bathers, bordering upon or adjoining the seacoast or a lake where the public resort for the purpose of bathing in the open sea or lake.
- Lifeboat. 24001. No person shall own or conduct a resort unless it is equipped with at least one lifeboat.
- Equipment. 24002. The boat shall be fully equipped with oars, oarlocks, and not less than two life preservers, and two hundred feet of rope.
- Repair. It shall be in good repair and near the resort.
- Use, etc. 24003. The boat shall have the word "lifeboat" plainly printed or painted upon it. It shall be used for no purpose other than for the saving of life or for other cases of emergency.
- Penalty. 24004. Every person who violates any provision of this article is guilty of a misdemeanor punishable by a fine of not less than ten nor more than two hundred dollars, or by imprisonment for not less than ten days nor more than six months, or by both.

Article 2. Swimming Pool Markers.

- "Resort." 24050. "Resort," as used in this article, means any public bathing or swimming place or resort on a river or stream.
- Soundings, etc. 24051. No person shall maintain a resort unless he carefully sounds the depth of water and locates the eddies and pools and determines the presence and nature of dangerous currents, sunken logs, rocks, and obstructions in the stream or river.
- Signs. 24052. No person shall maintain a resort unless signs indicating in plain letters the depth of water, the location of pools or eddies, and the presence and direction of currents of water are placed and maintained in the water during the season when bathing and swimming are permitted or invited.
- Safety ropes. 24053. No person shall maintain a resort unless safety ropes are stretched wherever necessary to show the line of

eddies, pools, sunken obstructions, and other hidden dangers to bathers in the water.

24054. Every person who violates any provision of this article is guilty of a misdemeanor. Penalty.

Article 3. Swimming Pool Sanitation.

24100. "Public swimming pool," as used in this article, means any public swimming pool, bathhouse, public swimming and bathing place and all related appurtenances. "Public swimming pool."

24101. The State Department of Public Health has supervision of sanitation, healthfulness, and safety of public swimming pools. Supervision.

24102. The State department shall make and enforce such rules and regulations pertaining to public swimming pools as it deems proper. Rules and regulations.

24103. Every health officer shall enforce the rules and regulations in his jurisdiction. Enforcement.

24104. For the purposes of this article, any health officer, or any inspector of the State department, may at all reasonable times enter all parts of the premises of a public swimming pool to make examination and investigation to determine the sanitary condition and whether this article or the rules and regulations are being violated. Investigations.

24105. The State department may publish the reports of inspections. Reports.

24106. Any public swimming pool constructed, operated, or maintained contrary to the provisions of this article is a public nuisance, dangerous to health. Public nuisance.

24107. Any nuisance maintained in violation of this article may be abated or enjoined in an action brought by a local board of health, or the State department, or it may be summarily abated in the manner provided by law for the summary abatement of other public nuisances dangerous to health. Abatement.

24108. Every person who violates any provision of this article is guilty of a misdemeanor, punishable by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for not more than six months, or both. Penalty.

24109. Each day that a violation of this article continues is a separate offense. Separate offense.

Article 4. Power Boat Speed.

Limitations.

24150. Every owner, operator, or person in command of any power boat, is guilty of a misdemeanor who operates it or permits it to be operated at a speed in excess of five nautical miles per hour in any of the following areas:

(a) Within one hundred feet of any person who is engaged in the act of bathing.

(b) Within two hundred feet of any:

(1) Beach frequented by bathers.

(2) Swimming float, diving platform, or life line.

(3) Way or landing float to which boats are made fast or which is used for the embarkation or discharge of passengers.

Local restrictions.

24151. Counties or cities may make further restrictions concerning the navigation and operation of power boats, and may grant permits to bona fide yacht clubs or civic organizations to conduct motor boat races over courses established, marked, and patrolled by authority of the United States coast guard, city harbor master, or other officer having authority over the waters on which a race is proposed to be conducted and on such days and between such hours as may be approved by the officer.

CHAPTER 2. TANKS AND BOILERS.

Article 1. Scope of Chapter and General Provisions.

"Commission."

24200. "Commission," as used in this chapter, means the Industrial Accident Commission.

"Boiler."

24201. "Boiler," as used in this chapter, means any steam boiler subject to this chapter.

"Tank."

24202. "Tank," as used in this chapter, means any air pressure tank subject to this chapter.

Scope of chapter.

24203. This chapter applies to all steam boilers and air pressure tanks which are not specifically exempted in this article.

Exemptions:

24204. The following air pressure tanks are not subject to this chapter:

Air pressure tanks.

(a) Air pressure tanks under the jurisdiction or inspection of the United States government.

(b) Air pressure tanks used in household domestic service.

Exemptions:

24205. The following steam boilers are not subject to this chapter:

Steam boilers.

(a) Boilers under the jurisdiction or inspection of the United States government, and all other boilers operated by employers not subject to Division IV of the Labor Code.

(b) Boilers on which the pressure does not exceed fifteen pounds per square inch.

(c) Automobile boilers and boilers on road motor vehicles.

24206. This chapter does not limit the authority of the commission to prescribe or enforce general or special safety orders. Safety orders.

Article 2. Administration.

24210. Inspections required by this chapter may be made by inspectors employed by the commission or by a certified inspector. Inspectors.

A certified inspector is one who has an unrevoked certificate of competency issued pursuant to this chapter, and who is employed by any of the following:

(a) A county.

(b) A city.

(c) An insurer.

(d) A person, for the purpose of testing only tanks or boilers owned by him.

24211. A certificate of competency may be obtained by application made to the commission. Certificate of competency.

24212. The commission may determine by examination the competency of an applicant for a certificate of competency. Examination.

24213. Upon good cause being shown therefor, the commission may revoke a certificate of competency. Revocation.

24214. Within twenty-one days after each inspection made by him, every certified inspector shall forward a report of his inspection to the commission on the forms provided by it. His certificate of competency may be revoked by the commission for failure to comply with this section. Report.

Article 3. Operation of Tanks and Boilers.

24220. No tank or boiler shall be operated unless a permit for its operation has been issued by the commission. Prohibition.

24221. The commission shall inspect or cause to be inspected each tank at least every two years. Inspection of tanks.

24222. The commission shall inspect or cause to be inspected each boiler, internally and externally, at least every year. Inspection of boilers.

- Permit.** 24223. If a tank or boiler is found to be in a safe condition for operation, a permit shall be issued by the commission for its operation.
In the case of a tank, the permit shall continue in effect for not longer than two years.
In the case of a boiler, the permit shall continue in effect for not longer than one year.
- Posting.** 24224. Each permit shall be posted under glass in a conspicuous place on or near the tank or boiler covered by it.
- Temporary permits.** 24225. The commission may issue and renew temporary permits for not to exceed thirty days each, pending the making of replacements or repairs.
- Revocation.** 24226. Upon good cause being shown therefor, and after notice and an opportunity to be heard, the commission may revoke any permit.
- Repairs or alterations: Preliminary order.** 24227. If the inspection shows a tank or boiler to be in an unsafe or dangerous condition, the commission, or a commissioner, may issue a preliminary order requiring such repairs or alterations to be made to it as are necessary to render it safe, and may order its use discontinued until the repairs or alterations are made or the dangerous or unsafe condition is remedied.
- Hearing.** 24228. Unless the preliminary order is complied with, a hearing before the commission, a commissioner, or a referee of the commission, shall be allowed, upon request, at which the owner, operator, or other person in charge of the tank or boiler may appear and show cause why he should not comply with the order.
- Final order.** 24229. If it thereafter appears to the commission that the tank or boiler is unsafe and that the requirements contained in the preliminary order should be complied with, or that other things should be done to make the tank or boiler safe, the commission may order or confirm the withholding of the permit and may make such requirements as it deems proper for the repair or alteration of the tank or boiler, or the correction of the dangerous and unsafe conditions.
- Rehearing.** 24230. The order may be reheard by the commission, or reviewed by the courts, in the manner specified by the Labor Code for safety orders, and not otherwise.
- Injunction.** 24231. If the operation of a tank or boiler without a permit constitutes a serious menace to the life or safety of any

person employed about it, the commission, a commissioner, or any of its safety inspectors, or any person affected thereby, may apply to the superior court of the county in which the tank or boiler is situated for an injunction restraining its operation until the condition has been corrected or a permit secured.

24232. The certificate of the commission that no permit exists for the operation of a tank or boiler, and the affidavit of any safety inspector of the commission that its operation constitutes a menace to the life or safety of any person employed about it, is sufficient proof to warrant the immediate granting of a temporary restraining order.

Temporary
restraining
order:
Proof.

Article 4. Inspection Fees.

24240. No fee shall be charged by the commission where an inspection is made by a certified inspector.

When
prohibited.

24241. The commission shall fix and collect fees for the inspection of tanks, not exceeding three dollars for each inspection.

Tank
inspection.

24242. The commission shall collect fees for the inspection of boilers as follows:

Boiler
inspection.

(a) For boilers twenty inches or less in diameter, or less than three horsepower:

(1) External inspection, two dollars.

(2) Internal inspection, three dollars.

(b) For fire tube boilers over twenty inches in diameter:

(1) External inspection, three dollars.

(2) Internal inspection, seven dollars and fifty cents.

(c) For water tube boilers:

(1) External inspection, five dollars.

(2) Internal inspection, fifteen dollars.

24243. All inspection fees shall be paid before the issuance of a permit.

Payment.

24244. The inspection fees collected by the commission under this article shall be paid into the general fund.

Disposition.

Article 5. Offenses.

24250. Except during the time that a request for a permit remains unacted upon, every person owning or having the custody, management, or operation of a tank or boiler who operates it without a permit issued pursuant to this chapter is guilty of a misdemeanor.

Operation
without
permit.

Separate
offense.

The operation of a tank or boiler without a permit constitutes a separate offense for each day that it is so operated.

Article 6. Mismanagement of Steam Boilers.

Endanger-
ing life.

24300. Every engineer or other person having charge of any steam-boiler, steam-engine, or other apparatus for generating or employing steam, used in any manufactory, railway, or other mechanical works, who wilfully, or from ignorance or from gross neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine or apparatus, or to cause any other accident whereby human life is endangered, is guilty of a felony.

Causing
death.

24301. Every person having charge of any steam-boiler, steam-engine, or other apparatus for generating or employing steam, used in any manufactory, railroad, vessel, or other mechanical works, who wilfully, or from ignorance or neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine, or apparatus, or to cause any other accident whereby the death of a human being is caused, is punishable by imprisonment in the state prison for not less than one nor more than ten years.

CHAPTER 3. CONVALESCENT COLONY.

(Chapter 3 added by Stats. 1939, Ch. 106, as part of codification.)

Convalescent
colony
board.

24380. There is in the State government a board known as the "convalescent colony board," which is composed of the Director of Institutions, the Director of Public Health, the Director of Education, the Chief of the Bureau of Tuberculosis, and the Chief of the Bureau of Vocational Rehabilitation of the State Department of Education.

Gifts and
contribu-
tions.

24381. The Department of Finance may accept in the name of the people of the State gifts of land suitable for a convalescent colony or receive contributions from any source for the purchase, or the care and maintenance of, land; however, before the gifts of land or contributions can be accepted by the Department of Finance the acceptance shall be recommended by resolution, duly adopted, of the convalescent colony board.

Acceptance
of gifts.

24382. The gifts of land or contributions may be accepted by the Department of Finance at its discretion subject to such conditions or restriction as the convalescent colony board with the approval of the Director of Finance may deem advisable, the conditions or restrictions to be clearly set forth in a resolution recommending the acceptance of the gifts of land or contributions and in the instruments of conveyance.

24383. Before accepting the conveyance of the land the Department of Finance shall have the title examined and shall not accept title from the grantor or donor unless a good and merchantable title free and clear of all taxes, liens, or other financial encumbrances is shown to be vested in the grantor or donor. The title shall be passed upon and approved by the Attorney General.

Examination
of title.

24384. The convalescent colony shall be for the use of persons convalescing from tuberculosis who may have been patients in public or private sanatoria, children convalescing from hospital care under the provisions of Division I, Part 1, Chapter 2, Article 2, and persons recovering from heart disease or injuries received in industry who need rehabilitation.

Use of
colony.

The colony shall not be for the use of persons recovering from habit forming drugs, inebriacy, or mental illnesses.

24385. The lands may be leased by the board with the approval of the Director of Finance and any money received from the use of the lands, from the sale of products therefrom, or any contributions shall be paid into the State treasury to the credit of the convalescent colony fund, which fund is continued in existence and is appropriated for the support of the convalescent colony, for expenditure as the board, with the approval of the Department of Finance, may determine.

Lease of
lands.

CHAPTER 4. ABANDONED EXCAVATIONS.

24400. Every person owning or having charge of land on which is located any abandoned mining shaft, pit, or other abandoned excavation dangerous to passers-by or live stock who fails to cover or fence it securely, and keep it so protected, is guilty of a misdemeanor.

Covering or
fencing:
Private
land.

24401. The board of supervisors may order securely covered or fenced abandoned mining excavations on unoccupied public lands in the county.

Public
land.

24402. The board of supervisors shall order securely fenced or covered any abandoned mining shaft, pit, or other excavation on unoccupied land in the county whenever it appears to them, by proof submitted, that the excavation is dangerous or unsafe to man or beast. The cost of covering or fencing is a county charge.

Unoccupied
land.

24403. Every person who maliciously removes or destroys any covering or fencing placed around any shaft, pit, or other excavation, as provided in this article, is guilty of a misdemeanor.

Malicious
removal.

CHAPTER 5. MISCELLANEOUS PENAL PROVISIONS.

Penalty. 24800. Every person charged with the performance of any duty under the laws of this State relating to the preservation of the public health, who wilfully neglects or refuses to perform the same, is guilty of a misdemeanor.

* DIVISION XXI. DRUGS, FOODS AND COSMETICS.

* CHAPTER 2. DRUGS.

* Article 1. General Provisions.

"Drug." * 26200. "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3).

* 26201. "Drug" does not include devices or their components, parts, or accessories.

"Device." * 26202. "Device" means instruments, apparatus and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

"Official compendium." * 26203. "Official compendium" means the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

"Label." * 26204. "Label" means a display of written, printed or graphic matter upon the immediate container of any article.

Labeling requirements. * 26205. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

"Immediate container." * 26206. "Immediate container" does not include package liners.

* 26207. "Labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article. "Labeling."

* 26208. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual. Determination of misleading labeling, etc.

* 26209. The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices. "Advertisement."

* 26210. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body. Representation as antiseptic.

* 26211. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions. "New drug."

* 26212. The term "contaminated with filth" applies to any drug or device not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious combinations. "Contaminated with filth."

* 26213. The provisions of this chapter regarding the selling of drugs and devices, shall be considered to include the Construc-

manufacture, production, processing, packing, exhibition, offering, possessing, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any establishment.

"Package." * 26214. "Package" includes any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any drug.

"Federal act." * 26215. "Federal act" means the Federal Food, Drug and Cosmetic Act.
U.S.C., Title 21, Ch. 9.

* Article 2. Adulteration.

Variance from standards. * 26230. A drug shall be deemed to be adulterated if, when a drug is sold under or by a name recognized in an official compendium, it differs from the standard of strength, quality or purity as determined by the test laid down in the official compendium at the time of investigation.

Where difference plainly stated on label. * 26231. No drug defined in an official compendium shall be deemed to be adulterated under section 26230 because it differs from the standard of strength, quality or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard is plainly stated on its label.

Requirements applicable. * 26232. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

When deemed adulterated. * 26233. A drug shall be deemed to be adulterated if its strength or purity falls below the professed standard or quality under which it is sold.

Components, production, etc. * 26234. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

Components, coloring, etc. * 26235. A drug shall be deemed to be adulterated (1) if its container is composed, in whole or in part, of any poisonous

* Added by Stats. 1939, Ch. 730. In effect January 1, 1940.

or deleterious substance which may render the contents injurious to health; (2) if it bears or contains, for purposes of coloring only a coal-tar color other than one from a batch certified by the United States Department of Agriculture; (3) if it is not subject to the provisions of section 26230 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess; or (4) if any substance has been (a) mixed or packed therewith so as to reduce its quality or strength; or (b) substituted wholly or in part therefor.

* Article 3. Misbranding.

*26240. The term "misbranded" shall apply to all drugs or devices, the package or label of which bears any statement, design, or emblem regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug or device which is falsely branded or labeled as to the county, city and county, city, town, State, Territory, District of Columbia, or foreign country in which it is manufactured or produced.

"Mis-branded."

* 26241. A drug or device shall be deemed to be misbranded if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

Contents of label.

Under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

* 26242. A drug or device shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Same: Display.

* 26243. A drug shall be deemed to be misbranded if it is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, codeine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin,

Designation of drug.

* Added by Stats. 1939, Ch. 730. In effect January 1, 1940.

strychnine, thyroid, barbituric acid, or any derivative or preparation of any such substances, contained therein.

To the extent that compliance with the requirements of clause (2) of this section is impracticable, exemptions shall be established by regulations promulgated by the board.

Directions. * 26244. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users.

If any requirement of clause (1) of this section as applied to any drug or device is not necessary for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirements.

Packaging and labeling. * 26245. A drug shall be deemed to be misbranded if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein. The method of packing may be modified with the consent of the board.

Same. * 26246. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

Drug subject to deterioration. * 26247. A drug shall be deemed to be misbranded if it has been found by the board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the board shall by regulations require as necessary for the protection of public health.

No such regulation shall be established for any drug recognized in an official compendium until the board has informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body has failed within a reasonable time to prescribe such requirements.

Containers. * 26249. A drug shall be deemed to be misbranded (1) if its container is so made, formed, or filled as to be misleading; (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

Imitation.

* 26250. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof. Prescriptions in labeling.

* 26251. A drug shall be deemed to be misbranded if it is a drug sold at retail for use by man, and contains any quantity of amidopyrine, cinchophen, or sulfanilamide, unless it is sold on a written prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession. Amidopyrine, cinchophen, or sulfanilamide.

* 26252. A drug sold on a written prescription signed by a member of the medical, dental or veterinary profession (except a drug sold in the course of the conduct of a business selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this article if: Drug sold on written prescription.

(1) Such member of the medical, dental or veterinary profession is licensed by law to administer such drug; and

(2) Such drug bears a label containing the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession.

* 26253. A drug shall be deemed mislabeled or misbranded:

(1) If it be an imitation of or offered for sale under the name of another article;

(2) If the contents of the package as originally put up have been removed, in whole or in part, and other contents have been placed in such package.

* 26254. A drug shall be deemed to be misbranded if the package as offered for sale at retail or wholesale fails to bear a statement on the label of Morphine, etc.

(1) The quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, barbituric acid, bromal, carbromal, coca, marihuana, paraldehyde, peyote, or sulphonmethane, and

(2) The quantity of any chemical derivative of such substances or any derivative or preparation of any such substances, except codeine, contained therein, which derivative has been by the board after investigation, found to be, and by regulations under this act, designated as, habit-forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—may be habit-forming."

* Added by Stats. 1939, Ch. 730. In effect January 1, 1940.

* Article 4. Advertising.

False advertisement.

* 26270. An advertisement of a drug or device shall be deemed to be false if it is false or misleading in any material particular.

Represented as having effect in certain diseases.

* 26271. The advertisement of a drug or device shall be deemed to be false if the drug or device is represented to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, cataracts, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, dental caries, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, alcoholism, erosion, periodontal diseases, epilepsy, goiter, scarlet fever, sexual impotence, sinus infection, smallpox, encephalitis, tumors, typhoid, uremia, venereal disease, whooping cough.

Exceptions.

* 26272. An advertisement not in violation of section 26270 shall not be deemed to be false under section 26271 if it is disseminated only to members of the medical, dental, pharmaceutical, or veterinary professions, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

Safe self-medication.

* 26273. Whenever the board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named in this article, the board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the board may deem necessary in the interests of public health.

Construction of article.

* 26274. This article shall not be construed as indicating that self-medication for diseases other than those named is safe or efficacious.

Liability under article.

* 26275. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the drug or device to which a false advertisement relates, shall be liable under this article by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

* Article 5. Prohibitions.

* 26280. The manufacture, production, preparation, com-
pounding, packing, selling, offering for sale, advertising or
keeping for sale within the State of California, or the intro-
duction into this State from any other State, Territory, or the
District of Columbia, or from any foreign country, of any
drug or device which is adulterated, mislabeled or misbranded
is prohibited.

Manufac-
ture, etc.

* 26281. Any person who imports or receives from any
other State or Territory or the District of Columbia or from
any foreign country, or who having so received delivers for pay
or otherwise or offers to deliver to any other person, any drug
or device which is adulterated, mislabeled or misbranded, or
any person who manufactures, produces, prepares, compounds,
packs, sells, offers for sale, or keeps for sale, in the State of
California any such adulterated, mislabeled, or misbranded
drug or device shall be guilty of a misdemeanor punishable as
provided in section 26295.

Importa-
tion, etc.

* 26282. No article shall be deemed misbranded, mislabeled
or adulterated within the provisions of this chapter when
intended for export to any foreign country and prepared or
packed according to the specifications or directions of the
foreign purchaser when no substance is used in the preparation
or packing thereof in conflict with the laws of the foreign
country to which the article is intended to be shipped.

Exports.

If the article is in fact sold or offered for sale for domestic
use or consumption, then this section shall not exempt the
article from the operation of any of the other provisions of
this chapter.

* 26283. The alteration, mutilation, destruction, obliteration,
or removal of the whole or any part of the labeling of, or
the doing of any other act with respect to, a drug or device is
unlawful if such act results in such article being misbranded.

Alteration
of labels.

* 26284. Forging, counterfeiting, simulating, or falsely rep-
resenting, or without proper authority using any mark, stamp,
tag, label, or other identification emblem authorized or required
by regulations promulgated under the provisions of this chap-
ter is prohibited.

Forging
of labels.

* 26285. The adulteration or misbranding of any drug or
device is prohibited.

Adulteration
and mis-
branding.

* 26286. The dissemination of any false advertisement of a
drug or device is prohibited.

False ad-
vertisements.

- Representa-
tion as
new drug. * 26287. The using on the labeling of any drug or in any advertisement relating to such drug of any representation or suggestion that an application with respect to such drug is effective under section 26288 or that such drug complies with the provisions of that section is prohibited.
- New drugs. * 26288. No person shall sell, deliver, offer for sale, hold for sale, or give away any new drug unless (1) an application with respect thereto has become effective under section 505 of the Federal act, or (2) if the drug is not subject to the Federal act unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed, recommended or suggested in the labeling thereof, and prior to selling or offering for sale such drug there has been filed with the board an application setting forth
- Appli-
cations. (a) Full reports of investigations which have been made to show whether or not such drug is safe for use;
 (b) A full list of the articles used as components of such drug;
 (c) A full statement of the composition of such drug;
 (d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug;
 (e) Such samples of such drug and of the articles used as components thereof as the board may require; and
 (f) Specimens of the labeling proposed to be used for such drug.
- When
effective. * 26289. An application provided for in subdivision (2) of section 26288 shall become effective on the sixtieth day after the filing thereof.
- Finding
and order. * 26290. If the board finds after due notice to the applicant and giving him an opportunity for a hearing, that the drug is not safe for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof, the board shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.
- Revocation
of refusal. * 26291. An order refusing to permit an application under this section to become effective may be revoked by the board.
- Exceptions. * 26292. Section 26288 shall not apply—
 (1) To a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety in drugs, if the drug is plainly labeled "For investigational use only"; or
 (2) To a drug sold in this State at any time prior to the effective date of this chapter or introduced into interstate commerce at any time prior to the enactment of the Federal act; or

(3) To any drug which is licensed under the Federal Virus, Serum, and Toxin Act of July 1, 1902. U.S.C., Title 42, Ch. 4.

* 26293. The possession, sale, or offering for sale of any adulterated, mislabeled or misbranded drugs or devices by any manufacturer, producer, jobber, packer or dealer in drugs or devices, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer, or dealer shall be prima facie evidence of the violation of this chapter. Evidence.

* 26295. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalties.

If the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than \$1,000, or both such imprisonment and fine.

* 26296. No person shall be prosecuted under the provisions of this chapter if he can produce a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States or elsewhere from whom he purchased such article, to the effect that the same is not adulterated, mislabeled or misbranded within the meaning of this chapter. The guaranty must be dated prior to the date of sale of the article. Guaranty.

* 26297. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution. Same.

* 26298. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated, mislabeled or misbranded within the meaning of this chapter. General guaranty.

* 26299. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice. Special guaranty.

* 26300. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person. Seller's name, etc.

Article
covered.

* 26301. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

Guaranty
under
Federal act.

* 26302. If the guaranty is to the effect that such article is not adulterated, mislabeled or misbranded within the meaning of the Federal act, it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere, unless at any time the standard for the article concerned under this chapter is higher than the standard for a like article under the Federal act.

Nonresident
guarantor.

* 26303. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Bureau of Laboratories that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

* Article 6. Administration.

Standards
of purity.

* 26320. The standards of purity of drugs shall be the United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, and the National Formulary.

Regulations.

* 26321. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board is authorized to make the regulations promulgated under this chapter conform, in so far as practicable, to those promulgated under the Federal act. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

Hearings.

* 26322. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose.

Notice.

Effective
date of
regulations.

* 26323. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption.

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in

order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

* 26324. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated. Examinations.

* 26325. The board may appoint such agents as it may deem necessary. Agents of board.

* 26326. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter. Sheriffs.

* 26327. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled or misbranded drugs and devices exist. Inspection.

* 26328. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated, mislabeled or misbranded, and shall deliver or forward such samples to the State laboratory for examination and analysis. Samples.

* 26329. The Chief of the Bureau of Food and Drug Inspections and the agents and inspectors of the board shall have the powers possessed by peace officers in this State. Powers of agents, etc.

* 26330. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which drugs or devices are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such drugs and devices, in commerce, for the purpose: Inspection.

(1) of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) to secure samples or specimens of any drugs and devices after paying or offering to pay for such sample.

* 26331. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of drugs and devices and after the hearing provided in section 26340, the board shall report such facts to the district attorney of the county where the law is violated. Report of violation.

* 26332. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings Written notice or warning

under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Reports of
court action.

* 26333. The board may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

Information.

* 26334. The board may cause to be disseminated such information regarding drugs and devices as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting, and illustrating the results of the investigations of the board.

Penalty.

* 26335. Any person who refuses to sell to any agent of the board any sample of drug or device upon tender of the market price therefor, or who conceals any such drug or device from such officer, or who withholds from the officer information respecting the place where such drug or device is kept or stored is guilty of a misdemeanor punishable as provided in section 26295.

Analyses.

* 26336. The board or its secretary shall require the Chief of the Division of Laboratories to make examinations and analyses of drugs or devices which are on sale in California and which are suspected of being adulterated, mislabeled or misbranded.

Report on
adultera-
tion, etc.

* 26337. Whenever evidence indicates or examination or analysis show that adulterated, mislabeled or misbranded drugs and devices have been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found.

Same.

* 26338. Whenever evidence indicates that adulterated, mislabeled or misbranded drugs or devices have been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found.

Evidence.

* 26339. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated.

Notice of
violation.

* 26340. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when

* Added by Stats. 1939, Ch. 730. In effect January 1, 1940.

the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. The secretary of the board shall fix a time at which the parties may be heard.

* 26341. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State laboratory. Hearings.

* 26342. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, the secretary of the board shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which the adulterated, mislabeled or misbranded drugs or devices were found. No publication of the facts found shall be made until the conclusion of the hearing. District attorney.

* 26343. On or before August 1 of each year, the Chief of the Division of Laboratories of the State department shall make an annual report to the board upon adulterated or misbranded drugs and devices. The report shall include the list of cases examined by him in which adulterants were found, the list of articles found to be mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau. Reports:
Division of
Laboratories.

* 26344. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor. Bureau of
Food and
Drug In-
spections.

* 26360. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any drug or device is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. Reports of
board.

* 26361. Whenever the findings of the State laboratory or of the Chief of the Bureau of Food and Drug Inspections Quarantine.

show after investigation and examination that any drug or device found in the possession of any person is adulterated, misbranded, or mislabeled the drug or device may be seized and quarantined.

Prohibition
on dispo-
sition.

* 26362. The drug or device shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the board, its secretary, or the Chief of the Bureau of Food and Drug Inspections.

Reports of
seizures.

* 26363. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the secretary of the board all actions relating to the seizure of such drugs and devices and their release.

Destruction
of articles.

* 26364. Drugs or devices found to be adulterated, mislabeled or misbranded may, by order of a court or judge, or, in the absence of such an order, with the written consent of the owner thereof, be seized or destroyed.

Jurisdiction
of courts.

* 26365. Any superior or inferior court of this State shall have power to condemn drugs and devices under the provisions of this article.

Petition.

* 26366. When an article is found to be adulterated, mislabeled or misbranded, and is detained or quarantined under this article, the board shall petition the court in whose jurisdiction the article is detained or quarantined for a libel for condemnation of such article. When such agent has found that an article so detained or quarantined is not adulterated, mislabeled or misbranded, he shall remove the tag or other marking.

Removal
of tags.

Destruction.

* 26367. If the court finds that a detained or quarantined article is adulterated, mislabeled or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of an agent of the board. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

Correction
of article.

* 26368. If the adulteration, mislabeling or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

* 26369. The bond shall be returned to the claimant of the Bonds.
article on representation to the court by the board that the
article is no longer in violation of this chapter and that
the expenses of such supervision have been paid.

* 26380. On presentation to him of a verified complaint of Sheriff's
duties.
the violation of any provisions of this chapter, the sheriff
of any county of this State shall at once obtain by purchase
a sample of the adulterated, mislabeled or misbranded drug
or device complained of, and divide the article into three
parts. Each part shall be sealed by the sheriff with a seal
provided for that purpose. If the package be less than four
pounds in weight or in volume less than two quarts, three
packages of approximately the same size shall be purchased
and the marks and tags upon each package noted as above.

* 26381. One sample shall be delivered to the party from Same.
whom procured or to the party guaranteeing such merchan-
dise, one sample shall be sent to the director of the State
laboratory, and the third sample shall be sent to, and held
under seal by, the board.

* 26382. For his services under this chapter the sheriff shall Fees.
be allowed the same fees for travel allowed by law to sheriffs
on service of criminal process, together with such compensa-
tion as the board of supervisors of the county may deem rea-
sonable, and all amounts expended by him in procuring and
transmitting samples.

* 26383. The fees and amount expended shall be audited Same.
and allowed by the supervisors and paid by the county as
other bills of the sheriff.

* 26384. The district attorney of each county shall prosecute District
attorney.
all violations of the provisions of this chapter occurring
within the county.

* 26385. One-half of all fines collected by any court or Fines.
judge for the violations of the provisions of this chapter shall
be paid into the State treasury to the credit of the general
fund.

† CHAPTER 3. FOODS.

† Article 1. General Provisions.

† 26450. "Food" includes all articles used for food, drink, "Food."
liquor, confectionery, condiment, or chewing gum by man or
other animals, whether such articles are simple, mixed or
compound.

* Added by Stats. 1939, Ch. 730. In effect January 1, 1940.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

"Package." † 26451. "Package" includes any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any article of food.

"Label." † 26452. The term "label" means a display of written, printed or graphic matter upon the immediate container of any article.

Labeling requirement. † 26453. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

"Immediate container." † 26454. The term "immediate container" does not include package liners.

"Labeling." † 26455. The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

Determination of misleading labeling, etc. † 26456. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

"Advertisement." † 26457. The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.

"Contaminated with filth." † 26458. The term "contaminated with filth" applies to any food not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

† 26459. The provisions of this chapter regarding the selling of food, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any food establishment.

Construction
of chapter.

† 26460. The term "Federal act" means the Federal Food, Drug and Cosmetic Act.

"Federal
act." U.S.C.,
Title 21,
Ch. 9.

† 26461. The provisions of this division shall be so construed as to not be in conflict with the provisions of the Agricultural Code, or with the provisions of the Alcoholic Beverage Control Act and the rules and regulations adopted pursuant thereto, and in the event of a conflict, the provisions of the Alcoholic Beverage Control Act or the rules and regulations adopted pursuant thereto shall control.

Ag. C., and
Stats. 1935,
p. 1123.

† 26462. Beer, being subject to the Alcoholic Beverage Control Act in other respects, shall be subject only to the provisions of this chapter which relate to adulteration and misbranding.

Beer.

† Article 2. Adulteration.

† 26470. A food shall be deemed to be adulterated:

When
deemed
adulterated.
Components.

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 26471; or

(3) If it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food; or

(4) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; or

Production.

(5) If it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or which has been fed upon the uncooked offal from a slaughterhouse; or

Animal
products.

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

Containers.

† 26471. Any poisonous or deleterious substance added to any food except where such substance is required in the pro-

Added
substances.

duction thereof or can not be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of section 26470.

Tolerances.

If such substance is so required or can not be so avoided, the board shall promulgate regulations limiting the quantity therein or thereon to such extent as the board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of section 26470.

While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance within the tolerance allowed, be considered to be adulterated within the meaning of clause (2) of section 26470.

In determining the quantity of such added substance to be tolerated in or on different articles of food, the board shall take into account the extent to which the use of such substance is required or can not be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

Components
omitted, etc.

† 26472. A food shall be deemed to be adulterated:

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

Confectioneries.

(b) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one per centum, harmless natural gum, and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of one per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

Coal-tar
colors.

(c) If it bears or contains a coal-tar color other than one from a batch which has been certified by the United States Department of Agriculture.

Special
permits.

† 26473. Whenever the board finds after investigation that the distribution in the State of California of any class of food may, by reason of contamination with micro-organisms during

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

manufacture, processing or packing thereof in any locality, be injurious to health, and that such injurious nature can not be adequately determined after such articles have entered commerce, the board then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health.

† 26474. After the effective date of such regulations, and Same. during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor or packer holds a permit issued by the board as provided by such regulations.

† 26475. The board is authorized to suspend immediately Suspension of permits. upon notice any permit issued under authority of section 26473 if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the board shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended.

† 26476. Any officer or employee duly designated by the Inspection. board shall have access to any factory or establishment, the operator of which holds a permit from the board for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit.

† Article 3. Misbranding.

† 26490. A food shall be deemed to be mislabeled or misbranded: False labeling, imitation, etc.

- (1) If its labeling is false or misleading in any particular;
- (2) If it is offered for sale under the name of another food;
- (3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- (4) If its container is so made, formed or filled as to be misleading.

Contents
of label.

† 26491. A food shall be deemed to be mislabeled or misbranded if in package form, unless it bears a label containing (1) the name and place of business of the manufacturer, packer or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count.

Under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

Same:
Display.

† 26492. A food shall be deemed to be mislabeled or misbranded if any word, statement or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Standards:
Identity.

† 26493. A food shall be deemed to be mislabeled or misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by sections 26540 and 26541 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, in so far as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring and coloring) present in such food.

Quality.

† 26494. A food shall be deemed to be mislabeled or misbranded if it purports to be or is represented as:

(1) A food for which a standard of quality has been prescribed by regulations as provided by sections 26540 and 26541 and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or

Fill of
container.

(2) A food for which a standard or standards of fill of container have been prescribed by regulation as provided by sections 26540 and 26541 and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

Labels on
certain
foods.

† 26495. A food shall be deemed to be mislabeled or misbranded if it is not subject to the provisions of section 26493, unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

The requirements of clause (2) of this section shall not apply Exceptions. to any carbonated beverage the ingredients of which have been fully and correctly disclosed to the board in the manner described by clause (2) above in a sworn affidavit, nor shall such requirements apply to beer as defined in the Alcoholic Beverage Control Act.

To the extent that compliance with the requirements of clause (2) of this section is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the board.

† 26496. A food shall be deemed to be mislabeled or misbranded: Dietary foods.

(1) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the board determines to be, and by regulations prescribes, as, necessary in order fully to inform purchasers as to its value for such uses;

(2) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact. To the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the board. Flavoring, etc.

The provisions of this section and sections 26493 and 26495 Exceptions. with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

† Article 4. Advertising.

† 26500. An advertisement of a food shall be deemed to be false if it is false or misleading in any material particular. False advertisement.

† 26501. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this chapter by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement. Liability under chapter.

† 26501.1. With respect to the advertisement of alcoholic beverages, in the event of a conflict between the provisions of this chapter and the Alcoholic Beverage Control Act, the Alcoholic Beverage Control Act shall control. Alcoholic beverages. Stats. 1935, p. 1123.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

† Article 5. Prohibitions.

**Manu-
facture, etc.** † 26510. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale, or advertising within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia or from any foreign country, of any article of food which is adulterated, mislabeled or misbranded is prohibited.

Importation. † 26511. Any person who imports or receives from any other State or Territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any article of food which is adulterated, mislabeled or misbranded, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, or advertise in the State of California any such adulterated, mislabeled or misbranded food, shall be guilty of a misdemeanor punishable as provided in section 26519.

Exports. † 26512. No article of food shall be deemed adulterated, mislabeled or misbranded within the provisions of this chapter when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which the article is intended to be shipped.

If such foods are in fact sold or kept or offered for sale for domestic uses and consumption, then this section shall not exempt the article from the operation of any provisions of this chapter.

**Alteration
of labels.** † 26513. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food is unlawful if such act results in such article being misbranded.

**Forging
of labels.** † 26514. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited.

**Adultera-
tion and
misbranding.** † 26515. The adulteration or misbranding of any food is hereby prohibited.

**False adver-
tisements.** † 26516. The dissemination of any false advertisement of any food is hereby prohibited.

† Added by Stats, 1939, Ch. 731. In effect January 1, 1940.

† 26517. No person shall sell, offer for sale, or keep for sale Refilling.
distilled spirits in any package which has been refilled or
partly refilled.

† 26518. The possession, sale, or offering for sale of any Evidence.
adulterated, mislabeled or misbranded article of food by any
manufacturer, producer, jobber, packer, or dealer in food, or
broker, commission merchant, agent, employee, or servant of
any such manufacturer, producer, jobber, packer, or dealer,
shall be prima facie evidence of the violation of this chapter.

† 26519. Any person who violates any of the provisions of Penalties.
this chapter is guilty of a misdemeanor, and upon conviction
shall be punished by a fine of not less than twenty-five dollars
or more than five hundred dollars, or by imprisonment in the
county jail for a term not exceeding six months, or by both
such fine and imprisonment.

If the violation is committed after a conviction of such
person under this section has become final, such person shall
be subject to imprisonment for not more than one year in the
county jail, or a fine of not more than one thousand dollars,
or both such imprisonment and fine.

† 26520. No person shall be prosecuted under the provisions When
prosecution
forbidden.
of this chapter (1) for having introduced or delivered for
introduction into trade any article if such introduction or
delivery for introduction was made in good faith, unless he
refuses to furnish on request of an officer or employee duly
designated by the board the name and address of the person
from whom he purchased or received such article and copies
of all documents, if any there be, pertaining to the delivery
of the article to him: or (2) if he can produce a guaranty Guaranty.
signed by the wholesaler, jobber, manufacturer or other party
residing in the United States or elsewhere from whom he
purchased such article, to the effect that the same is not
adulterated, mislabeled or misbranded within the meaning of
this chapter. The guaranty must be dated prior to the date of
sale of the article.

† 26521. Such guaranty may be either general or special Same.
and must be produced prior to the time of certification of facts
to the district attorney for prosecution.

† 26522. A general guaranty shall guarantee without con- General
guaranty.
dition or restriction all of the products or articles produced,
prepared, compounded, packed, distributed, or sold by the
guarantor as not adulterated, mislabeled or misbranded within
the meaning of this chapter.

† 26523. A special guaranty shall guarantee in the same Special
guaranty.
manner as a general guaranty the particular articles listed

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

Seller's
name, etc.

† 26524. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

Article
covered.

† 26525. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

Guaranty
under Fed-
eral act.

† 26526. If the guaranty is to the effect that such article is not adulterated, mislabeled or misbranded within the meaning of the Federal act it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere.

Nonresident
guarantor.

† 26527. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Division of Laboratories that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

† Article 6. Administration.

Standards.

† 26540. Whenever in the judgment of the board such action will promote honesty and fair dealing in the interest of consumers, the board may promulgate regulations establishing for any food or class of food a reasonable definition and standard of identity, or reasonable standard of quality or fill of container.

Beer.

No standard of identity or fill of container shall be established for beer as defined in the Alcoholic Beverage Control Act.

Fruits and
vegetables.

No definition and standard of identity, and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In prescribing any standard of fill of container, the board shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable.

Fill of
container.

Quality.

Identity.

Any definition and standard of identity prescribed

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

by the board for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing.

† 26540.1. The board shall not prescribe requirements respecting the size or type of containers for beer as defined in the Alcoholic Beverage Control Act. Beer containers.

† 26541. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. All definitions and standards promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required pursuant to the definitions currently promulgated by the Secretary of the United States Department of Agriculture under the Federal act. Optional ingredients.
Such definitions and standards of identity promulgated by the board for distilled spirits shall not be inconsistent with similar standards promulgated by the Federal Alcohol Administration or other Federal agency. Federal standards.

† 26542. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board shall promulgate regulations exempting from the provisions of this chapter food which is in accordance with the normal practice of the trade introduced or offered for introduction into trade and which is being delivered to an establishment where it is to be processed, labeled or packed on condition that such food shall conform with the provisions of this act upon its removal from such processing, labeling or packing establishment. The regulations promulgated and the definitions and standards prescribed pursuant to this chapter shall not require higher standards and shall not be more restrictive than the definitions, standards and regulations which are promulgated by the Secretary of the United States Department of Agriculture under the provisions of the Federal act. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter. Regulations.
Federal regulations.
Violation.

† 26543. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose. Hearings.

† 26544. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to ninety days after the promulgation Notice.
Effective date of regulations.

of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption.

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

Examinations.

† 26545. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated.

Agents of board.

† 26546. The board may appoint such agents as it may deem necessary.

Sheriffs.

† 26547. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter.

Inspection.

† 26548. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled or misbranded food exists.

Samples.

† 26549. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated, mislabeled or misbranded, and shall deliver or forward such samples to the State laboratory for examination and analysis.

Penalty.

† 26550. Any person who refuses to sell to any agent of the board any sample of food upon tender of the market price therefor, or who conceals any food from such officer, or who withholds from the officer information respecting the place where such food is kept or stored is guilty of a misdemeanor punishable as provided in section 26519.

Powers of agents, etc.

† 26551. The Chief of the Bureau of Food and Drug Inspection and the agents and inspectors of the State Board of Public Health shall have the powers possessed by peace officers in this State.

"Dump sheets."

† 26552. Whenever the board makes a written demand upon any distiller, rectifier or blender of liquors of any nature whatsoever within this State to produce a certified copy of those records kept by the distiller, rectifier or blender, which are commonly designated or known as "dump sheets" within the meaning of the Federal Internal Revenue Act, the records shall be delivered to the board within a reasonable time not

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

exceeding thirty days. The refusal to present such certified copies or the falsification thereof, shall constitute a misdemeanor punishable as provided in section 26519. Whenever there has been a demand for and refusal to deliver the records, upon petition any court or judge thereof having jurisdiction shall order the delivery of the records. Penalty.

† 26553. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse or establishment in which foods are manufactured, processed, packed or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods, in commerce, for the purpose: Inspection.

(1) Of inspecting such factory, warehouse, establishment or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) To secure samples or specimens of any food after paying or offering to pay for such sample.

† 26554. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of foods and after the hearing provided in section 26564, the board shall report such facts to the district attorney of the county where the law is violated. Report of violation.

† 26555. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice of warning. Written notice of warning.

† 26556. The board may cause to be published from time to time reports summarizing all judgments, decrees and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof. Reports of court action.

† 26557. The board may cause to be disseminated such information regarding food as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting and illustrating the results of the investigations of the board. Information.

† 26558. There is a State laboratory for the analysis and examination of foods, drugs, devices and cosmetics. The laboratory shall be under the supervision of the board and shall be located at such place as the board may select. State laboratory.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

Chief,
Bureau of
Food and
Drug In-
spections.

† 26559. The board shall appoint a Chief of the Bureau of Food and Drug Inspections who shall have such qualifications and perform such duties as may be required by the board.

The board may employ and fix the compensation of other clerical and professional assistants.

Analyses.

† 26560. The board or its secretary shall require the Chief of the Division of Laboratories to make examinations and analyses of foods which are on sale in California and which are suspected of being adulterated, mislabeled or misbranded.

Report on
adultera-
tion, etc.

† 26561. Whenever evidence indicates or examination or analysis shows that adulterated, mislabeled or misbranded food has been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found.

Same.

† 26562. Whenever evidence indicates that adulterated, mislabeled or misbranded food has been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found.

Evidence.

† 26563. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated.

Notice of
violation.

† 26564. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. The secretary of the board shall fix a time at which the parties may be heard.

Hearings.

† 26565. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State laboratory.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

† 26566. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, the secretary of the board shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which the adulterated, mislabeled or misbranded food was found. No publication of the facts found shall be made until the conclusion of the hearing.

District attorney.

† 26567. On or before August 1st of each year, the Chief of the Division of Laboratories of the State department shall make an annual report to the board upon adulterated or misbranded foods. The report shall include the list of cases examined by him in which adulterants were found, the list of articles found to be mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.

Reports:
Division of
Laboratories.

Bureau of
Food and
Drug In-
spections.

† 26568. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor.

Reports of
board.

† 26580. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any food is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated, or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

Quarantine.

† 26581. Whenever the findings of the State laboratory or of the Chief of the Bureau of Food and Drug Inspections show after investigation and examination, that any food found in the possession of any person is adulterated, misbranded, or mislabeled, the food may be seized and quarantined.

Same.

† 26582. The food shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the board, its secretary, or the Chief of the Bureau of Food and Drug Inspections.

Prohibition
on dispo-
sition.

† 26583. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the secretary of the board all actions relating to the seizure of food and its release.

Reports of
seizures.

† 26584. Food found to be adulterated, mislabeled or misbranded may, by order of a court or judge, or in the absence

Destruction
of food.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

of such order, with the written consent of the owner thereof, be seized or destroyed.

Jurisdiction
of courts.

† 26585. Any superior or inferior court of this State shall have power to condemn food under the provisions of this article.

Petition.

† 26586. When an article is found to be adulterated, mislabeled or misbranded, and is detained or quarantined under this article, the board shall petition the court in whose jurisdiction the article is detained or quarantined for a libel for condemnation of such article. When such agent has found that an article so detained or quarantined is not adulterated, mislabeled or misbranded, he shall remove the tag or other marking.

Removal
of tags.

Destruction.

† 26587. If the court finds that a detained or quarantined article is adulterated, mislabeled or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of the agent. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

Correction
of article.

† 26588. If the adulteration, mislabeling or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

Bond.

† 26589. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter, and that the expenses of such supervision have been paid.

Destruction.

† 26590. Whenever the board or any of its authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or which may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the board or its authorized agent shall forthwith condemn or destroy the same or in any other manner render the same unsalable as human food.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

† 26600. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated, mislabeled or misbranded food complained of, and divide the article into three parts. Each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above.

Sheriff's duties.

† 26601. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the Chief of the Division of Laboratories, and the third sample shall be sent to, and held under seal by, the board.

Same.

† 26602. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples.

Fees.

† 26603. The fees and amount expended shall be audited and allowed by the supervisors and paid by the county as other bills of the sheriff.

Payment of fees.

† 26604. The district attorney of each county shall prosecute all violations of the provisions of this chapter occurring within the county.

District attorney.

† 26605. One-half of all fines collected by any court or judge for the violations of the provisions of this chapter shall be paid into the State treasury to the credit of the general fund.

Fines.

† Article 7. Local Administration.

† 26615. The board may organize and establish local food inspection and enforcement divisions with headquarters at such points and with jurisdiction over such territory as the board shall by order specify.

Local inspection and enforcement divisions.

† 26616. For the purposes of this chapter, the term "local food inspection and enforcement division" shall be construed to mean the local health department, headed by the duly appointed, qualified and acting health officer of any county, city or city and county, designated by order of the board to

Definition.

act as such division within the territory specified in such order. Such territory may include one or more counties, cities, or cities and counties.

Examinations.

† 26617. A local food protection and enforcement division shall make, or cause to be made, examinations and analyses of food which is suspected of being adulterated, mislabeled or misbranded and which is on sale within the territory where such local division has jurisdiction.

Powers of agents, etc.

† 26618. Within the territory over which a local division has jurisdiction, the health officer of any local food protection and enforcement division and his deputies, shall have the same powers as are possessed by peace officers of this State.

Notice of violation.

† 26619. When an examination or analysis made pursuant to the provisions of section 26617 shows that any provision of this chapter has been violated, notice of the fact, together with a copy of the findings thereof, shall be furnished to the party or parties from whom the sample was obtained, or who issued the guaranty, as provided in this chapter.

Hearings.

† 26620. The health officer of the local food protection and enforcement division shall set a time for a hearing, at which the parties may be heard before him. At least fifteen days' notice of such hearing shall be served upon the parties interested. The hearing shall be private and confined to questions of fact. Appearances may be made in person or by attorney and testimony may be taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis.

District attorney.

† 26621. If such examination or analysis be found correct, or if the party or parties fail to appear after notice duly given, the health officer conducting the hearing shall certify the facts found to the district attorney of the county in which the adulterated, mislabeled or misbranded food was found, sold, or offered or exposed for sale. No publication shall be made until after the hearing is concluded.

Sheriff's duties.

† 26622. In exercising the powers conferred upon him by section 26547 the sheriff of a county shall furnish samples of all adulterated, misbranded or mislabeled foods seized or purchased by him to the health officer of the local food inspection and enforcement division, if any, having jurisdiction over the territory within which such seizure or purchase is made. In carrying out the duties imposed by section 26600 a sheriff shall purchase an additional sample and forward the same to such health officer.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

† 26623. The provisions of this article shall not be construed as repealing, either directly or by implication, any of the existing sections of this chapter, but shall be construed as constituting an alternative method of enforcing the same. Construction of article.

† 26624. The board may prescribe such rules and regulations relating to the operation of the local inspection and enforcement divisions as it may deem necessary fully to effectuate the provisions of this article. Rules.

† Added by Stats. 1939, Ch. 731. In effect January 1, 1940.

DIVISION XXX. REPEALS.

40000. The following sections of the Penal Code are hereby repealed: Repeals:
Penal Code.

290	374a	384	601
291	375	385	649
293	375a	394	719
295	377	396a	720
297	377a	401a	1510.1
349	377b	402e	
368	377c	402h	
374	378	573	

40001. The following sections of the Political Code are hereby repealed: Repeals:
Political Code.

372	3007	3046	3106
372a	3008	3047	3107
372b	3009	3048	3108
372c	3010	3049	3109
372d	3011	3060	3110
372e	3012	3061	3111
372f	3023	3062	3335
372g	3024	3063	3336
2978	3025	3064	3337
2979	3026	3074	3338
2979a	3027	3075	3339
2979b	3029	3076	3340
2979d	3030	3077	3341
2979e	3031	3078	3342
2980	3033	3080	3343
2981	3034	3081	4041.15
2982	3035	3082	4041d
2982a	3042	3083	4041k
2984	3043	3084	4225
3005	3044	3093	4225b
3006	3045	3105	

Repeals:
General
laws.

40002. The following acts and portions of acts, together with all acts amendatory thereof and supplementary thereto, are hereby repealed:

Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.
1852:	129:	205	All	1873-4:	370:	530	All
1853:	22:	35	All	1873-4:	397:	569	All
1853:	42:	59	All	1873-4:	460:	691	All
1854:	8:	20	All	1873-4:	552:	788	All
1854:	37:	42	All	1873-4:	639:	886	All
1858:	57:	41	All	1873-4:	676:	942	All
1858:	180:	133	All	1875-6:	72:	47	All
1859:	78:	59	All	1875-6:	232:	305	All
1859:	321:	358	All	1875-6:	234:	310	All
1861:	69:	55	All	1875-6:	271:	360	All
1861:	71:	57	All	1875-6:	303:	398	All
1861:	133:	123	All	1875-6:	401:	567	All
1861:	168:	167	All	1875-6:	433:	610	All
1861:	234:	238	All	1875-6:	496:	759	All
1861:	243:	248	All	1875-6:	583:	865	All
1861:	388:	408	All	1875-6:	601:	896	All
1861:	517:	585	All	1875-6:	647:	866	All
1862:	18:	11	All	1877-8:	83:	104	All
1862:	127:	114	All	1877-8:	178:	214	All
1862:	149:	140	All	1877-8:	304:	383	All
1862:	168:	166	All	1877-8:	374:	558	All
1862:	340:	465	All	1877-8:	325:	436	All
1862:	341:	466	All	1877-8:	446:	685	All
1862:	342:	466	All	1877-8:	513:	796	All
1863:	26:	26	All	1877-8:	594:	943	All
1863:	473:	742	All	1877-8:	648:	999	All
1863-4:	248:	256	All	1877-8:	673:	1050	All
1865-6:	98:	79	All	1880:	66:	61	All
1865-6:	156:	138	All	1881:	36:	26	All
1865-6:	180:	161	All	1881:	67:	76	All
1865-6:	250:	276	All	1883:	77:	366	All
1865-6:	303:	337	All	1883:	90:	376	All
1865-6:	424:	533	All	1885:	14:	12	All
1865-6:	450:	583	All	1885:	21:	25	All
1867-8:	26:	26	All	1887:	22:	18	All
1869-70:	228:	329	All	1887:	95:	110	All
1869-70:	490:	716	All	1891:	148:	209	All
1871-2:	286:	389	All	1891:	161:	223	All
1871-2:	388:	542	All	1893:	163:	189	All
1871-2:	398:	553	All	1893:	190:	234	All
1871-2:	428:	625	All	1895:	39:	45	All
1871-2:	485:	715	All	1895:	115:	107	All
1871-2:	529:	765	All	1899:	66:	81	All
1871-2:	578:	855	All	1903:	218:	255	All
1871-2:	530:	766	All	1903:	232:	283	All
1873-4:	177:	240	All	1903:	236:	289	All
1873-4:	327:	474	All	1903:	239:	317	All

Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.	Repeals.
1905:	119:	115	All	1923:	250:	498	All	
1905:	223:	209	All	1925:	275:	459	All	
1907:	458:	846	All	1925:	314:	532	All	
1907:	492:	893	All	1925:	316:	536	All	
1909:	164:	261	All	1927:	213:	380	All	
1909:	204:	311	All	1927:	254:	465	All	
1909:	242:	368	All	1927:	282:	502	All	
1909:	347:	576	All	1927:	623:	1049	All	
1909:	591:	899	All	1927:	642:	1088	All	
1909:	646:	978	All	1927:	644:	1093	All	
1909:	673:	1011	All	1927:	880:	1924	All	
1911:	23:	40	All	1929:	140:	258	All	17, 18, 19, 20.
1911:	213:	391	All	1929:	180:	331	All	
1911:	300:	494	All	1929:	181:	333	All	
1911:	375:	685	All	1929:	188:	341	All	
1911:	455:	904	All	1929:	216:	380	All	
1911:	692:	1350	All	1929:	221:	413	All	
1913:	81:	86	All	1929:	416:	738	All	
1913:	369:	783	All	1929:	432:	752	All	
1913:	391:	843	All	1929:	457:	819	All	
1913:	422:	868	All	1931:	56:	50	All	
1915:	337:	502	All	1931:	168:	238	All	
1915:	378:	575	All	1931:	214:	383	All	
1915:	478:	800	All	1931:	580:	1263	All	
1915:	584:	1011	All	1931:	734:	1523	All	
1915:	766:	1530	All	1931:	425:	972	All	
1917:	63:	70	All	1931:	892:	1906	All	
1917:	228:	432	All	1931:	1148:	2434	All	
1917:	560:	774	All	1933:	90:	534	All	
1917:	571:	791	All	1933:	331:	909	All	
1917:	744:	1517	All	1933:	601:	1531	All	
1917:	745:	1518	All	1933:	607:	1549	All	1, 2, 3, 5, 6, 7
1917:	792:	1661	All	1933:	756:	1980	All	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15
1919:	480:	942	All	1933:	802:	2128	All	
1919:	583:	1234	All	1933:	894:	2305	All	
1921:	304:	413	All	1933:	1033:	2631	All	
1921:	412:	605	All	1935:	20:	79	All	
1921:	652:	1103	All	1935:	377:	1329	All	
1923:	65:	132	All	1937:	351:	762	All	
1923:	171:	393	All	1937:	530:	1539	All	
1923:	188:	429	1, 2, 3, 4, 6, 7.					
1923:	191:	431	All					
1923:	312:	646	All					
1923:	386:	781	All					

Repeal. 40003. Section 2979c of the Political Code is hereby repealed.

(Added by Stats. 1939, Ch. 102, as part of codification.)

Repeal. 40004. Section 5 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, is hereby repealed.

(Added by Stats. 1939, Ch. 105, as part of codification.)

Repeal. 40005. Section 4 of an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 104, as part of codification.)

Repeal. 40006. An act entitled "An act relating to a convalescent colony and empowering the Department of Finance to accept land or contributions for the convalescent colony upon recommendation of the convalescent colony board, creating a convalescent colony board, and providing for the disposition and expenditure of moneys in connection with said convalescent colony," approved May 29, 1931, is hereby repealed.

(Added by Stats. 1939, Ch. 106, as part of codification.)

Repeal. 40007. Section 10 of an act entitled "An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 103, as part of codification.)

Repeal:
Stats. 1907,
p. 230.

40008. An act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1939, Ch. 730. In effect January 1, 1940.)

HEALTH AND SAFETY CODE

STATUTES 1939, CHAPTERS 60, 102, 103, 104, 105, AND 106.

Cross-reference Table No. 1 indicates the origin of each section of the code. Cross-reference Table No. 2 indicates the disposition of former statutes in the code as originally enacted. Statutes repealed but included in the code are also listed. A note opposite such statutes indicates the reason for the omission.

Statutes other than codes are cited by year, chapter, and page.

The asterisk indicates sections added or affected subsequent to the original enactment of the code.

ABBREVIATIONS

Civ. C.—Civil Code.
Pen. C.—Penal Code.
Pol. C.—Political Code.

CROSS-REFERENCE TABLE NUMBER ONE

Origin of Health and Safety Code Sections

Health and Safety Code Section	Section	Origin	Statute
1 to 24, incl.	New		
100, 101, 102, 103, 104, 105,			
106	372		Pol. C.
107	372a		"
108			"
109	2981		"
110	372a		"
111			"
112			"
113			"
114	372c		"
200 to 209, incl.	2979		"
210	2980		"
250 to 262, incl.	2979b		"
263	2979c		"
264	2979d		"
265, 266	2982a		"
267	2979e		"
268 to 270, incl.	4041d		"
300, 301	1		1919:583:1234
302, 303, 304	2		"
350, 351	1		1921:412:605
352, 353, 354	2		"
374, 375	1		1905:223:209
376, 377	2		1911:154:320
400, 401	1		1915:478:800
410 to 413, incl.	1		1915:766:1530
414	2		"
450, 451*, 452	4225		Pol. C.
453	11		1907:492:893
454 to 456, incl.	4225		Pol. C.
476*, 477, 478			"
491			"
492	11		1907:492:893
493	4225		Pol. C.
500 to 504, incl.	3061		"
504	2984, 3061		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
505	11		1907:492:893
506	3061		Pol. C.
507	2984, 3061		"
508	2984, 3061		"
509	3064		"
600, 601	3062		"
602, 603	4225b		"
700, 701	3062		"
702, 703	4225b		"
800 to 803, incl.	1		1885:14:12
804	2		1887:50:58
805, 806, 807	3		1885:14:12
808	4		"
809	5		"
810	6		"
811	7		"
850, 851	4041.15		Pol. C.
880, 881	New		
882	2		1917:571:791
883	12		"
900	1		"
901, 902	2		"
903	1		"
904 to 913, incl.	2		"
914	3		"
915, 916	2		"
917, 918	3		"
919	12		"
920, 921	3		"
922	12		"
925 to 928, incl.	4		"
929 to 931, incl.	5		"
935	1		"
936	6		"
940 to 943, incl.	7		"
944	8		"
950 to 953, incl.	9		"
958 to 964, incl.	10		"
967 to 970, incl.	11		"
1000	1		1927:282:502
1001	2		"
1002*	3		"
1200, 1201	New		
1202	1		1933:756:1980
1203 to 1208, incl.	3		"
1209 to 1212, incl.	4		"
1213	5, 9, 10, 11		"
1214, 1215	14		"
1218 to 1221, incl.	5		"
1222, 1223	6		"
1224	9		"
1225 to 1228, incl.	6		1933:756:1980
1230	7		"
1231	8		"
1232	10		"
1233, 1234, 1235	11		"
1240	9		1935:717:1940

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
1241 to 1243, incl.	10		1933:756:1980
1251	12		"
1400	1		1925:316:536
1401	1, 3		"
1402	New		
1403	1		1925:316:536
1404	2		"
1405	1		"
1406 to 1408, incl.	2		"
1409	1		"
1410	3		"
1411	4		"
1700	1		1883:90:376
1701	2		"
1702	3		"
1703	4		"
1800, 1801	1		1909:204:311
1802	New		
1804	2		1909:204:311
1805	3		"
1806 to 1812, incl.	4		"
1813	5		"
1900 to 1903, incl.	1		1913:369:783
1904, 1905	2		"
1906, 1907	3		"
1908	4		"
1909	5		"
1910 to 1915, incl.	6		"
1916 to 1918, incl.	7		"
2000	1		1913:391:843
2100, 2101	1		1933:607:1549
2102	2		"
2103	3		"
2104	4		"
2105	5		"
2106	6		"
2200 to 2203, incl.	New		
2204	10		1915:584:1011
2205	1		"
2210	2		"
2211	3		"
2212 to 2217, incl.	3a		"
2218 to 2220, incl.	3b		"
2221 to 2224, incl.	3c		"
2240 to 2245, incl.	4		"
2246 to 2253, incl.	5		"
2270	6		"
2271 to 2289, incl.	6a		"
2290	1		1931:892:1906
2291	2		"
2300	7		1915:584:1011
2301	7a		"
2302	7b		"
2303 to 2308, incl.	7c		"
2309, 2310, 2311	7d		"
2312	7e		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
2330 to 2343, incl.	8		1915:584:1011
2360 to 2370, incl.	12		"
2371 to 2375, incl.	13		"
2390 to 2398, incl.	9		1915:584:1011
2500	New		
2521 to 2523, incl.	2979		Pol. C.
2524	2979a		"
2554	2979a		"
2555	2984		"
2556	14		1907:492:893
2557	15		"
2558	12		"
2559	13		"
2560	11		"
2561, 2562, 2563	13		"
2564	17		"
2565, 2566, 2567	13		"
2568	11		"
2569, 2570, 2571*	13		"
2572, 2573	16		"
2574	13		"
2600	377a		Pen. C.
2601	394		"
2602	21		1907:492:893
2800, 2801	1		1935:20:79
2802	New		
2822, 2823	2		1935:20:79
2824	3		"
2825	4		"
2826	5		"
2827	6		"
2828	7		"
2829, 2830	8		"
2831	9		"
2832	10		"
2850, 2851	11		"
2852, 2853	12		"
2870	13		"
2871*	14		"
2872	15		"
2873, 2874	16		"
2900	17		"
2920 to 2922, incl.	18		"
3099	6		"
3100*	2		1929:432:752
3101	1		"
3300*, 3301, 3302	3		1915:766:1530
3303, 3304	3a		"
3305 to 3309, incl.	3		"
3700	1		1917:744:1517
3701	2		"
3702	3		"
3703	4		"
3704	5		"
3750 to 3753, incl.	402h		Pen. C.
3800	1		1917:745:1518
3801	2		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
3802	3		1917:745:1518
3803	4		"
3900	2		1913:81:86
3901	1		"
3902	4		"
3950 to 3952, incl.	5		"
3953	6		"
3954	3		"
3960	7		"
3975*	402e		Pen. C.
4000	9		1907:492:893
4001	6		"
4002	8		"
4003	7		"
4004	10		"
4005	377c		Pen. C.
4100	New		
4105	1		1927:213:380
4106 to 4108, incl.	2		"
4109	3		"
4110 to 4112, incl.	4		"
4120	5		"
4121	5.5		"
4122	6		"
4127	7		"
4135 to 4139, incl.	10		"
4143 to 4147, incl.	9		"
4160 to 4163, incl.	8		"
4200	1		1931:168:238
4201	2		"
4202	3		"
4203	4		"
4204	5		"
4300	1		1909:648:978
4301	2		"
4302	3		"
4400 to 4404, incl.	374a		Pen. C.
4450 to 4453, incl.	374		"
4454	4		1907:492:893
4455	5, 374		Pen. C.
4456	5, 21		1907:492:893
4457	377b		Pen. C.
4475*	374		"
4485*	374, 377		"
4600	New		
4601, 4602	9		1911:455:904
4605, 4606	1		"
4607	2		"
4608			"
4609*			"
4610			"
4611			"
4612			"
4615			"
4616*			"
4617			"
4618			"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
4619, 4620	3		1911:455:904
4621, 4622	4		"
4623	5		"
4627 to 4635, incl.	6		"
4636	8		"
4638, 4639	7		"
4660*, 4661*	1		1889:66:81
4662	3		"
4663, 4664	4		"
4665, 4666	2		"
4700	24		1923:250:498
4703	1		"
4710	2		"
4711			"
4712*			"
4713*			"
4714 to 4716, incl.	3		"
4717*, 4718	4		"
4730*, 4731, 4732	5		"
4733	5½		"
4739 to 4747, incl.	5		"
4748, 4749	6		"
4750 to 4753, incl.	7		"
4754 to 4758, incl.	16		"
4759	18		"
4760, 4761	19		"
4762	20		"
4780 to 4785, incl.	8		"
4786	9		"
4787*			"
4789*			"
4790			"
4791*			"
4792, 4793	10		"
4794	11		"
4795	12		"
4796*	13		"
4797*, 4798*	17		"
4810 to 4814, incl.	14		"
4815, 4816*, 4817	15		"
4818	21		"
4830*, 4831*, 4832	4½		"
4840 to 4842, incl.	19a		"
4850 to 4856, incl.	23½		"
4860	11		1927:642:1088
4861, 4862, 4863	New		
4864	10		1927:642:1088
4870 to 4875, incl.	1		"
4876 to 4878, incl.	2		"
4885, 4886	4		"
4887	5		"
4890	3		"
4891, 4892	6		"
4895* to 4903, incl.	9		"
4905 to 4911, incl.	8		"
4915 to 4920, incl.	7		"
4921 to 4926, incl.	8a		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
4950	1		1933:331:909
4951 to 4957, incl.	New		
4958, 4959	6		1933:331:909
4960	18		"
4965, 4966*, 4970	5		"
4971 to 4978, incl., 4979*	6		"
4985	7		"
4986* to 4992, incl., 4986*, 4987, 4988*, 4989, 4990, 4991, 4992*	11		"
4993	16		"
4994, 4995*	18		"
5000 to 5002*, incl.	1		"
5003	2		"
5004 to 5007, incl.	3		"
5008	7		"
5009	10		"
5010 to 5022, incl.	16		"
5025	4		"
5026	3		"
5027	12		"
5028, 5029	9		"
5030	13		"
5031	12		"
5032 to 5034, incl.	14		"
5040	8		"
5041, 5042	9		"
5043 to 5050, incl.			
5051	8		"
5052 to 5055, incl.	8a		"
5060 to 5063, incl.	15		"
5400	4041k		Pol. C.
5410	2		1907:492:893
5411	New		
5412, 5413, 5414	2		1907:492:893
5415	3		"
5416	2		"
5417 to 5444, incl.	3		"
5445	2		"
5460 to 5464, incl.	3		"
5475	New		
5500* to 5505*, incl.	New		
5520* to 5522*, incl.	1		1891:161:223
5523* to 5525*, incl.	2		"
5540*	4		"
5541*	3		"
5542* to 5546*, incl.	4		"
5560*	6		"
5561*	10		"
5562* to 5564*, incl.	9		"
5565* to 5567*, incl.	10		"
5568*	9		"
5569*, 5570*	19		"
5571*, 5572*	20		"
5573*	7		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
5574* to 5576*, incl.	8		1891:161:223
5590* to 5602*, incl.	5		"
5610* to 5623*, incl.	22		"
5630*	9, 15, 22½		"
5631*	4, 9, 15, 22½		"
5632*	9		"
5633*	22½		"
5634*	9, 15, 22½		"
5635*	4, 9, 15, 22½		"
5636*	9		"
5637*	4, 9		"
5650* to 5652*, incl.	9		"
5660*	14, 22½		"
5661*	15, 22½		"
5662*	15, 22½		"
5663*	15, 22½		"
5670* to 5672*, incl.	22½		"
5680*	5		"
5681*, 5682*	14		"
5683*	14, 22½		"
5684*	15, 22½		"
5685* to 5689*, incl.	16, 22½		"
5690*	16		"
5691*	11		"
5692*	16, 22½		"
5693*	18		"
5700*	22½		"
5710* to 5713*, incl.	16		"
5730*	11		"
5731*, 5732*	5		"
5733*, 5734*	22½		"
5735*	17		"
5736*	22½		"
5737*	17		"
5738*	22½		"
5750* to 5754*, incl.	8		"
5739*	17, 22½		"
5760* to 5764*, incl.	11		"
5770* to 5772*, incl.	11		"
5780*	12		"
5781*	12, 17, 22½		"
5782*	12		"
5783*, 5784*, 5785*	12		"
5786*	13		"
5787*	12		"
5800* to 5805*, incl.	12		"
5815* to 5821*, incl.	13		"
5822*	16		"
5823*, 5824*	22½		"
5825*	16		"
5826*	21		"
5827*	20		"
5828*	13		"
5840* to 5852*, incl.	22½		"
5860* to 5867*, incl.	21		"
5901* to 5906*, incl.	New		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
5925* to 5927*, incl.	1		1919:480:942
5928* to 5930*, incl.	2		"
5940*	4		"
5941*	3		"
5942* to 5946*, incl.	4		"
5950*	6		"
5951*	10		"
5952* to 5954*, incl.	9		"
5955*	31		"
5956*	9		"
5957*, 5958*, 5959*	10		"
5960*, 5961*	9		"
5962*, 5963*	22		"
5964*, 5965*	23		"
5966*	6		"
5967*	8		"
5980* to 5994*, incl.	5		"
6005*	27		"
6015* to 6018*, incl.	25		"
6030*	9, 17, 26, 31		"
6031*	4, 9, 17		"
6032*	26		"
6033*	9		"
6034*	9, 26		"
6035*	17, 26, 31		"
6036* to 6038*, incl.	9		"
6038*	4		"
6033*	9		"
6034*	9, 26		"
6035*	17, 26, 31		"
6036*	4, 9, 17, 26		"
6037*	9		"
6038*	4, 9, 17		"
6050*, 6051*	9		"
6052* to 6062*, incl.	30		"
6063*	9		"
6075*	15		"
6076*	16		"
6077*, 6078*	17		"
6090* to 6093*, incl.	26		"
6105	5		"
6106* to 6108*, incl.	14		"
6109*	17		"
6110* to 6114*, incl.	18		"
6115*	16		"
6116*	11		"
6117*	17		"
6118*	19		"
6119*	21		"
6130*, 6131*	26		"
6140*	29		"
6150*, 6151*	19		"
6152*, 6153*	9		"
6165*	11		"
6166*, 6167*	5		"
6168* to 6170*, incl.	20		"
6171*	26		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
6185* to 6189*, incl.	25½		1919:480:942
6200* to 6206*, incl.	8		"
6220* to 6224*, incl.			
6230 to 6232, incl.	11		"
6245* to 6250*, incl.	12		"
6251*	13		"
6252*			
6265* to 6270*, incl.	12		"
6280 to 6283, incl.	13		"
6284*	18		"
6285*	13, 18		"
6286*, 6287*	13		"
6288*	18		"
6289*, 6290*	13		"
6291*, 6292*	18		"
6293*	23		"
6294*	13		"
6305* to 6311*, incl.	31		"
6312* to 6314*, incl.	32		"
6325* to 6337*, incl.	26		"
6340* to 6347*, incl.	24		"
6400 to 6405, incl.	New		
6420 to 6425, incl.			
6440 to 6445, incl.	1		1923:171:393
6446 to 6448, incl.	2		"
6460	4		"
6461	3		"
6462 to 6466, incl.	4		"
6480	6		"
6481	10		"
6482	9		"
6483	7a		"
6484, 6485	9		"
6486 to 6488, incl.	10		"
6489*	9		"
6490, 6491	22		"
6492, 6493	23		"
6494	7		"
6495, 6496	8		"
6510, 6511, 6512*	5		"
6513, 6514*			"
6515 to 6523, incl.			"
6530	28		"
6540*	25		"
6541, 6542, 6543			"
6560	9, 17, 27		"
6561	4, 9, 17		"
6562	27		"
6563, 6564	9		"
6565	17, 27		"
6566	4, 9, 17, 27		"
6567	9		"
6568	4, 9, 17		"
6580, 6581	9		"
6582 to 6592, incl.	30		"
6593	9		"
6610	15		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections--Continued.

Health and Safety Code Section	Section	Origin	Statute
6611	16		1923:171:393
6612, 6613	17		"
6625 to 6628, incl.	27		"
6640	5		"
6641* to 6643, incl.	14		"
6644	17		"
6645 to 6649, incl.	18		"
6650	16		"
6651	11		"
6652	19		"
6653	21		"
6660, 6661	27		"
6670	29		"
6680 to 6683, incl.	19		"
6695*	11		"
6696, 6697*	5		"
6698 to 6700, incl.	20		"
6701	27		"
6715 to 6718, incl.	8		"
6730	11		"
6731	1		"
6732 to 6734, incl.	11		"
6745 to 6747, incl.			"
6760	12		"
6761	12, 20		"
6762 to 6765, incl.	12		"
6766	13		"
6767	12		"
6780, 6781*, 6782*, 6783*, 6784, 6785*, 6786*, 6787	13a		"
6790 to 6795, incl.	13		"
6796	18		"
6797	13, 18		"
6798	27		"
6799	13		"
6810 to 6816, incl.	31		"
6817 to 6819, incl.	32		"
6830	26		"
6840 to 6846, incl.			"
6847 to 6855, incl.	27		"
6870 to 6881, incl.	27a		"
6900* to 6904*, incl.	24		"
6905, 6906, 6907			"
7000, 7001	New		
7002 to 7908, incl.	2		1931:1148:2434
7909*, 7910			"
7911, 7912			"
7013*	New		
7014 to 7017, incl.	2		1931:1148:2434
7018*	New		
7019 to 7023*, incl.	2		1931:1148:2434
7024	New		
7050*	2979		Pol. C.
7051	291		Pen. C.
7052	290		"
7053	295		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
7054*	297		Pen. C.
7055*	22		"
7100	21		1931:1148:2438
7101*	21		"
7102	1510.1		Pen. C.
7103	293		"
7104*	21		1931:1148:2434
7105*, 7106, 7107	21a		"
7108*, 7109			"
7110, 7111, 7112*	22		"
7200	1		1927:623:1049
7201	5		"
7202	3		"
7203	4		1927:623:1049
	18		1929:140:258
7204	5		1927:623:1049
7205	2		"
7206	7		"
7207	6		"
7208	4		"
7300*	19		1907:492:893
7301	19		1929:140:258
7302	20		"
7303*	18		1907:492:893
7350	17		1929:140:258
7351	20		1907:492:893
7352* to 7355, incl.			"
7400	2979		Pol. C.
7401, 7402, 7403*	5		1915:378:575
7404*, 7405			"
7406, 7407	3084		Pol. C.
7408*, 7409			"
7410, 7411	11		1915:378:575
7500	23		"
7501	11		"
7502	16		"
7525 to 7528, incl.	24		"
7550	6		"
7551	1		1877-8:673:1050
7552, 7553	2		"
7554	6		"
7555	1		"
7556	3		"
7557	4		"
7558	3		"
7559	5		"
7600	1		1893:190:234
7700	1		1923:312:646
7701	2		"
7725	3		"
7726	4		"
7735 to 7739, incl.	5		"
7750 to 7754, incl.	6		"
7800 to 7803, incl.	7		"
7804, 7805	9		"
7850	6		"
7851, 7852	8		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
7900 to 7903, incl.	10		1923:312:646
7904	14		"
7905	12		"
7925	10		"
7926 to 7929, incl.	11		"
7930 to 7933, incl.	15		"
7950	12		"
7951, 7952	12		"
7953, 7954, 7955	13		"
7975	28		1931:1148:2434
7980	17		1923:312:646
8100	3106		Pol. C.
8101*, 8102, 8103	25		1931:1148:2434
8110, 8111, 8112	11		1915:378:575
8125*	3107		Pol. C.
8126*	3105		"
8127*	3108		"
8128	3111		"
8129, 8130*	3109		"
8131, 8132			"
8133	3110		"
8250*	31		1931:1148:2434
8251	32		"
8253	4		"
8275	3		"
8300 to 8307, incl.	15		"
8308*, 8309			"
8325*	26		"
8330	23		"
8340*, 8341	5		"
8350, 8351	27		"
8360, 8361, 8362	573		Pen. C.
8500, 8525, 8526	6		1931:1148:2434
8550 to 8557, incl.	7		"
8558, 8559	8		"
8560, 8561	9		"
8570* to 8572, incl.	10		"
8580*	8		"
8600*, 8601*	11		"
8602*	11		"
8603, 8604, 8605	12		"
8625 to 8628, incl.	11		"
8629	14		"
8650 to 8653, incl.	12		"
8675, 8676	11		"
8680	13		"
8700 to 8709, incl.	18		"
8710			"
8711 to 8715, incl.			"
8725*	16		"
8726 to 8733, incl.			"
8734*			"
8735, 8736, 8737			"
8750, 8751*	19		"
8775, 8776	20		"
8780	17		"
8800 to 8806, incl.	30.5		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
8890	1		1921:652:1103
8891, 8892	New		
8900, 8901	1		1921:652:1103
8902	1		"
8903, 8910, 8911	1		"
8920, 8921, 8922	2		"
8923	4		"
8924, 8925, 8926	3		"
8930, 8931	4		"
8932 to 8939, incl.			"
8940, 8941	5		"
8950, 8951, 8952	6		"
8960	7		"
8961, 8962, 8963	8		"
8964	12		"
8970 to 8973, incl.	9		"
8980, 8981			"
8982 to 8985, incl.	10		"
8990	11		"
9000 to 9005, incl.	10½		"
9025, 9026, 9027	14		"
9050 to 9054, incl.			"
9075 to 9078, incl.	13		"
9501, 9502	2		1929:221:413
9503	6		"
9525 to 9528, incl.	3		"
9550	5		"
9551	8		"
9560 to 9564, incl.			"
9575, 9580, 9581			"
9590, 9591			"
9600 to 9605, incl.	9		"
9625 to 9657, incl.			"
10000	2		1915:378:575
10001	19		"
10002, 10003	18		"
10004 to 10007, incl.	16		"
10008, 10009	17		"
10010, 10011	9		"
10025 to 10027, incl.	1		"
10028	2		"
10029, 10030, 10031	18		"
10032 to 10035, incl.	23		"
10036, 10037	18		"
10050 to 10052, incl.	3		"
10100 to 10113, incl.	4		"
10114 to 10119, incl.	19		"
10120	23		"
10150	12		"
10175 to 10182, incl.	13		"
10200*	14		"
10201	19		"
10225	15		"
10250 to 10254, incl.	15a		"
10275 to 10279, incl.	15aa		"
10300 to 10305, incl.	15b		"
10325 to 10330, incl.	6		"
10350	New		

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
10375, 10376, 10377	7		1915:378:575
10400 to 10405, incl.			"
10425 to 10429, incl.	8		"
10450 to 10454, incl.	9		"
10475	19		"
10476, 10477	9		"
10500, 10501	8a		"
10525, 10526	3076		Pol. C.
10527 to 10533, incl.	3078		"
10534, 10535	3081		"
10536	3082		"
10550, 10551	21		1915:378:575
10575 to 10579, incl.	18		"
10600* to 10604, incl.	21		"
10605*, 10606, 10607			"
10625 to 10630, incl.			"
10650 to 10654, incl.	20		"
10674	New		
10675 to 10679, incl.	22		1915:378:575
11000	14		1929:216:380
11001, 11002	1		"
11003	1, 14		"
11004 to 11013, incl.	New		
11035	1d		1929:216:380
11036	1		"
11100	1		1929:188:341
11101	2		"
11102	3		"
11103	4		"
11104	2		1929:216:380
11105	5		1929:188:341
11106	6		"
11107	10		"
11160, 11161, 11162	1		1929:216:380
11163, 11164	1b		"
11165, 11166*	1		"
11167	1b		"
11168	1c		"
11169, 11170, 11171	1		1937:687:1950
11172	1e		"
11173 to 11177, incl.	1		"
11200*	1c		"
11225	1d		"
11226	2		"
11227	1d		"
11250, 11275	1		"
11330	2		"
11331	1c		"
11332	2		"
11390 to 11396, incl.			"
11425			"
11426	1c		"
11450	1b		"
11451	1		"
11475 to 11478, incl.	13		"
11479	13.5		"
11530	1.4		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
11531, 11555	3		1937:687:1950
11570* to 11573, incl.	1		"
11574, 11575, 11576	1a		"
11610 to 11629, incl.	15		"
11650 to 11655, incl.	11		"
11656	11.5		"
11657	11.6		"
11680	5		"
11681	10a		"
11682	10b		"
11683, 11684	10c		"
11685	10d		"
11686	10e		"
11687	10f		"
11688	10g		"
11710	4		"
11711	3		"
11712	7		"
11713	6		"
11714	8		"
11715	9		"
11716	10		"
11717	12		"
11780	1		1925:314:532
11781	2		"
11782, 11783, 11784	3		"
11785 to 11788, incl.	4		"
11789	5		"
11790	6		"
11791 to 11793, incl.	7		"
11794, 11795	8		"
11796	9		"
11797	10		"
12000, 12001	1		1911:213:391
12002	16		"
12003	15		"
12004	6		"
12005	10		1887:95:110
12100	10		1911:213:391
12101	375a		Pen. C.
	1		1887:95:110
	10		1911:213:391
12102	375a		Pen. C.
	2		1887:95:110
	10		1911:213:391
12103	375a		Pen. C.
	3		1887:95:110
	10		1911:213:391
12104, 12105, 12106	10		"
12107	375a		Pen. C.
	3		1887:95:110
	10		1911:213:391
12108, 12109	375a		Pen. C.
	4		1887:95:110
	10		1911:213:391
12150, 12151	2		"
12152, 12153	3		"
12170	New		

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
12171 to 12190, incl.	3		1911:213:391
12210 to 12212, incl.			"
12220	4		"
12300	6		"
12301	7		"
12302	14		"
12303	8		"
12304, 12305, 12306	9		"
12350	New		
12351	7		1887:95:110
12351	6		"
12352	5, 6		"
12353	7		"
12354	601		Pen. C.
	8		1887:95:110
12400	12		1911:213:391
12401	13		"
12402	375		Pen. C. (1872 Code.)
13000 to 13005, incl.	384		Pen. C.
13006	385		"
13025	1		1931:580:1263
13026	2		"
13027	3		"
13028	4, 5		"
13050	1		1937:351:762
13051, 13052	2		"
13053, 13054	3		"
13100, 13101	1		1923:188:429
13102, 13103	5		"
13104, 13105	2		"
13106	3		"
13107	4		"
13108	2, 2d par.		"
13109	5, 2d par.		"
13110	1, 3d sent.		"
13111	5		"
	4		1931:425:972
13112	2, 4th par.		1923:188:429
13201 to 13209, incl.	1		1927:880:1924
13210	New		
13211	1, 11th par.		1927:880:1924
13212 to 13214, incl.	New		
13215* to 13218, incl.	1		1927:880:1924
13219	New		
13250	6, part of 2d par. Remainder of par. omitted—unnecessary		1927:880:1924
13251	2, subd. (h)		"
13252	3, 1st par.		"
13252	1, 21st par.		"
13253	1, 3		"
13254	6, 1st par.		"
13300 to 13319, incl.	2		"
13220 to 13324, incl.	3		"
13404	3, 2d par.		"
13450 to 13454*, incl.	4		"
13350 to 13360, incl.	5		"
13361*			"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
13362 to 13370, incl.	5 (Cont.)		1927:880:1924
13371*			"
13372 to 13392, incl.			"
13393*			"
13394 to 13402, incl.			"
13403*			"
13501 to 13509, incl.	1		1931:425:972
13510	4, 7th par.		"
13511	1, 4th par.		"
13512	4, 5th par.		"
13513 to 13517, incl.	1		"
13518	New		
13519	4, 16th par.		1931:425:972
13520	6		"
13550	7, 1st par.		"
13551, 13552	2		"
13553	3, 10th par., 2d sent.		"
13554	7, 2d par.		"
13600, 13601	3		"
13602, 13603	4		"
13604, 13605	2		"
13606, 13607	4		"
13608	5, 4th par.		"
13609, to 13616, incl.	4		"
13650	New		
13651 to 13657, incl.	4		1931:425:972
13675 to 13677, incl.	3		"
13678 to 13681, incl.	5		"
13682, 13683	3		"
13684	5, 4th par.		"
13685, 13686	3		"
13687	4, 14th par., 3d sent.		"
13688	3, 13th par.		"
13689	5, 4th par.		"
13725, 13726, 13727*	3		"
13728*, 13729*			"
14001, 14002	New		
14003*	31		1881:36:26
14004	20		"
14005	1		"
14006, 14007, 14008	20		"
14009	24		"
14025 to 14029, incl.	2		"
14050	2		"
14051 to 14053, incl.	17		"
14054	16		"
14055	15		"
14073, 14074, 14075*	3		"
14076, 14077, 14078			"
14079 to 14081, incl.	5		"
14082	13		"
14083, 14084	21		"
14085, 14086	22		"
14087*	23		"
14088	22		"
14089	3		"
14100	3		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
14101 to 14103, incl.	4		1881:36:26
14104 to 14109, incl.	6		"
14110, 14111	7		"
14112	8		"
14113	18		"
14150 to 14152, incl.	3		"
14153	9		"
14154 to 14156, incl.	5		"
14157	10		"
14158	11		"
14159	14		"
14200 to 14204, incl.	24a		"
14225 to 14237, incl.	24½		"
14250 to 14258, incl.	28a		"
14275 to 14291, incl.	28b		"
14300 to 14308, incl.	27		"
14309 to 14314, incl.	28		"
14400, 14401, 14402	1		1923:191:431
14403, 14404	New		
14405*	13		1923:191:431
14406, 14407	10b		"
14410 to 14415, incl.	2		"
14416 to 14419, incl.	3		"
14425 to 14432, incl.	4		"
14440 to 14451, incl.	5		"
14460 to 14466, incl.	5.5		"
14470, 14471	5a		"
14480*, 14481	7		"
14482, 14483, 14484	4a		"
14485, 14486	11		"
14500 to 14506, incl.	6		"
14510 to 14513, incl.	9		"
14514, 14515	10		"
14525 to 14528, incl.	7b		"
14529 to 14531, incl.	7c		"
14540 to 14549, incl.	7a		"
14560 to 14563, incl.	10a		"
14580 to 14592, incl.	8		"
14600	1		1931:734:1523
14601, 14602	New		
14603*	13		1931:734:1523
14604, 14605	9		"
14610 to 14616, incl.	2		"
14617 to 14622, incl.	3		"
14623 to 14625, incl.	4		"
14630 to 14636, incl.	5		"
14637 to 14640, incl.	6		"
14650 to 14660, incl.	7		"
14680 to 14685, incl.	8		"
14686, 14687	8.5		"
14688, 14689	8.6		"
14700 to 14709, incl.	10		"
14720 to 14728, incl.	12.5		"
14735 to 14750, incl.	12		"
14760 to 14766, incl.	11		"
14800 to 14804, incl.	1		1909:347:576
14810 to 14812, incl.	2		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
14815, 14816	3		1909:347:576
14825 to 14829, incl.	3335		Pol. C.
14830	3336		"
14835	3336		"
14836, 14837, 14838	3340		"
14839, 14840	3341		"
14841 to 14843, incl.	3342		"
14844, 14845	3343		"
14855	3337		"
14856, 14857, 14858	3338		"
14859	3339		"
14860	649		Pen. C.
14875, 14876	1		1929:457:819
14880 to 14884, incl.	2		"
14890 to 14897, incl.	3		"
14898, 14899	4		"
14900, 14901, 14902	5		"
14905 to 14907, incl.	6		"
14910, 14911, 14912	7		"
14915*, 14919	8		"
15000	1		1923:386:781
15001, 15002*	10		"
15003 to 15008, incl.			"
15009	New		
15010, 15011	10		1923:386:781
15012	61		"
15013, 15014	10		"
15015	New		
15016	10		1923:386:781
15017	New		
15018 to 15027, incl.	10		1923:386:781
15028	New		
15029 to 15031, incl.	10		1923:386:781
15032	33		"
15033, 15034	10		"
15151	1		"
15152, 15153	84		"
15154	4, 37		"
15155 to 15158, incl.	5		"
15250 to 15255, incl.	2		"
15270 to 15272, incl.	9		"
15290 to 15294, incl.	76		"
15295	6		"
15296 to 15298, incl.	78		"
15299	83		"
15300	82		"
15315 to 15317, incl.	79		"
15318	80		"
15319	81		"
15351 to 15362, incl.	7		"
15380 to 15388, incl.	8		"
15500, 15501	17		"
15520 to 15523, incl.	11		"
15600 to 15602, incl.	13		"
15603	14		"
15604	13		"
15650	22		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
15651 to 15652, incl.	10		1923:386:781
15653	14		"
15654, 15655	25		"
15680 to 15686, incl.	14		"
15687	16		"
15688	5		"
15689	14		"
15690, 15691	15		"
15692	18		"
15693	15		"
15694	19		"
15695	20		"
15730 to 15735, incl.	21		"
15736 to 15738, incl.	23		"
15739, 15740	24		"
15741, 15742	23		"
15743 to 15749, incl.	26		"
15750	57		"
15850 to 15854, incl.	12		"
15901 to 15903, incl.	27		"
15904	10		"
16000, 16001, 16002	28, 29		"
16050 to 16055, incl.	30		"
16056*, 16057*, 16058			"
16059	63		"
16060, 16061, 16062	30		"
16063	30, 32		"
16100	49		"
16101	63		"
16200	New		
16201 to 16204, incl.	64		1923:386:781
16221 to 16225, incl.	31		"
16226	10		"
16227	31		"
16228 to 16232, incl.	32		"
16233	31, 60		"
16234, 16235	60		"
16261 to 16263, incl.	33		"
16264	31		"
16265 to 16270, incl.	33		"
16271	60		"
16300 to 16305, incl.	34		"
16400	44		"
16400	46		"
16401 to 16404, incl.	43		"
16405 to 16409, incl.	45		"
16410 to 16414, incl.	46		"
16415	47		"
16416 to 16422, incl.	48		"
16423	50		"
16500	53		"
16501 to 16504, incl.	50		"
16520 to 16527, incl.	52		"
16540 to 16545, incl.	53		"
16560 to 16564, incl.			"
16600 to 16615, incl.	50		"
16640			"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections--Continued.

Health and Safety Code Section	Section	Origin	Statute
16650 to 16655, incl.	50 (Cont.)		1923:386:781
16670 to 16679, incl.			"
16690 to 16694, incl.			"
16705	53		"
16720, 16721	51		"
16740 to 16744, incl.	54		"
16770	New		
16771 to 16776, incl.	55		1923:386:781
16800			"
16820 to 16825, incl.	56		"
16826	10, 56		"
16827, 16828	56		"
16829	23		"
16830 to 16835, incl.	56		"
16900 to 16905, incl.	58a		"
16950 to 16959, incl.	58		"
17000, 17001	59		"
17002	14		"
17020 to 17023, incl.	59		"
17040* to 17045, incl.			"
17060 to 17062, incl.			"
17080 to 17088, incl.			"
17151 to 17157, incl.	62		"
17250	61		"
17251	29		"
17252	61		"
17253	30		"
17254	65		"
17255	74		"
17256 to 17269, incl.	61		"
17280 to 17284, incl.	10		"
17300* to 17304, incl.			"
17320 to 17323, incl.	61		"
17324, 17340*, 17341	10		"
17450	40		"
17451 to 17454, incl.	41		"
17455	3		"
17456, 17457	40		"
17458 to 17466, incl.	42		"
17480	New		
17481 to 17485, incl.	37		1923:386:781
17501	36		"
17502	35		"
17503 to 17511, incl.	36		"
17512	42		"
17530	New		
17531 to 17534, incl.	39		1923:386:781
17551 to 17553, incl.	38		"
17580	38, 39		"
17581	36		"
17582 to 17584, incl.	42		"
17585	40		"
17700, 17701	65		"
17702	27		"
17703	32		"
17704	59		"
17705, 17706	65		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
17707	30		1923:386:781
17800 to 17803, incl.	68		"
17804 to 17807, incl.	67		"
17808	69		"
17809	70		"
17810 to 17812, incl.	71		"
17813, 17814	72		"
17815	73		"
17816, 17817	74		"
17818	75		"
17819, 17820	66		"
17900	3		"
17901	6		"
17902	77		"
18100	1		1931:214:383
18101	1		1937:530:1539
18102	2		"
18103	3		"
18104, 18105	13		"
18106	14		"
18200	14		1931:214:383
	14		1937:530:1539
18201	13		1931:214:383
	12		1937:530:1539
18202	13		1931:214:383
18300	2		"
	3.5		1937:530:1539
18301	2		"
	4		1931:214:383
	3.5		1937:530:1539
18302	2		1931:214:383
	3.5		1937:530:1539
18303	3		1931:214:383
	3.5		1937:530:1539
18304	4		1931:214:383
	3.5		1937:530:1539
18400, 18401	7		1931:214:383
18402, 18403	6		"
18404	10		"
18430 to 18436, incl.	5		"
18460	8		"
18461	9		"
18462	10		"
18463	11		"
18464	12		"
18480	2		1933:802:2128
18600	10		1937:530:1539
18601	8		"
18602	9		"
18625, 18626	4		"
18650 to 18659, incl.			"
18680, 18681	4		"
18682	6		"
18683 to 18685, incl.	7		"
18710 to 18712, incl.	4		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
18800	15		1931:214:383
18801	4		1937:530:1539
18802	11		"
19000	New		
19100	4		1933:601:1531
19101	7		"
19120, 19121, 19122	6		"
19150	1		"
19151	2, 3		"
19170	5		"
19300	401a		Pen. C.
19400	1		1917:228:432
19401	2		"
19420	9		"
19440 to 19442, incl.	6		"
19443, 19444	2		"
19470	7		"
19471	5		"
19472	3		"
19473	4		"
19500	8		"
19600	1		1903:236:289
19700	1		1911:300:494
19702	2		"
20000 to 20004, incl.	New		
20005	20		1927:254:465
20025	1		"
20026 to 20034, incl.	2		"
20035	24		"
20036, 20037	2		"
20060, 20061			"
20062 to 20066, incl.	17		"
20067	18		"
20068	16		"
20069	15		"
20070, 20071	3		"
20072 to 20076, incl.	4		"
20077	24		"
20078	13		"
20079	19		"
20080	14		"
20081, 20101	3		"
20102	5		"
20103	6		"
20104	8		"
20105	7		"
20106	9		"
20107	10		"
20108	3		"
20109	10		"
20110	6		"
20111	6		"
20112	10, 11		"
20113	12		"
20130 to 20143, incl.	26		"
20300, 20301	New		

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections—Continued.

Health and Safety Code Section	Section	Origin	Statute
20310	1		1933:894:2305
20311 to 20317, incl.	2		"
20330 to 20332, incl.	3		"
20500	720		Pen. C.
24000 to 24003, incl.	1		1909:164:261
24004	2		"
24050 to 24054, incl.	1		1911:375:685
24100 to 24103, incl.	1		1917:63:70
24104, 24105	3		"
24106, 24107	5		"
24108, 24109	6		"
24150, 24151	396a		Pen. C.
24200 to 24203, incl.	New		
24204	2		1929:180:331
24205	2		1929:181:333
24206	3		1929:180:331
	3		1929:181:333
24210 to 24213, incl.	4		1929:180:331
	4		1929:181:333
24214	6		1929:180:331
	6		1929:181:333
24220	1		1929:180:331
	1		1929:181:333
24221	3		1929:180:331
24222	3		1929:181:333
24223	3		1929:180:331
	3		1929:181:333
24224	1		1929:180:331
	1		1929:181:333
24225	3		1929:180:331
	3		1929:181:333
24226	4		1929:180:331
	4		1929:181:333
24227 to 24230, incl.	3		1929:180:331
24231, 24232	1		"
	1		1929:181:333
24240	5		1929:180:331
	5		1929:181:333
24241, 24242	5		1929:180:331
24243	5		"
24244	5		1929:181:333
24250	1		1929:180:331
	1		1929:181:333
24300	349		Pen. C.
24301	368		"
24381	1		1931:538:1143
24380	4		"
24382	2		"
24283	3		"
24384	5		"
24385	6		"

TABLE NUMBER ONE.

Origin of Health and Safety Code Sections--Continued.

Health and Safety Code Section	Section	Origin	Statute
24400	1		1903:232:283
24401, 24402	2		"
24403	3		"
24800	378	.	Pen. C.
40003	New		
40004	New		
40005	New		
40006	New		
40007	New		

CROSS-REFERENCE TABLE NUMBER TWO

Disposition of Former Statutes in Health and Safety Code

PENAL CODE

Pen. Code Section	Health and Safety Code Section	Pen. Code Section	Health and Safety Code Section
290	7052	377b	4457
291	7051	377c	4005
293	7103	378	24800
295	7053	384	13000 to 13005, incl.
297	7054	385	13006
349	24300	394	2601
368	24301	396a	24150, 24151
374	4310	401a	19300
	4450 to 4453, incl.	402e	3975
	4455	402h	3750 to 3753, incl.
	4475	573	8360
	4485		8361
374a	4400 to 4404, incl.		8362
375 (1872 Code)	12402	601	12354
375a	12101 to 12103, incl.	649	14850
	12107 to 12109, incl.	719 Omitted—Unconstitutional	
377	4485	720	20500
377a	2600	1510.1	7102

POLITICAL CODE

Pol. Code Section	Health and Safety Code Section	Pol. Code Section	Health and Safety Code Section
372	100	2979c	263
	101	2979d	264
	102	2979e	267
	103	2980	210
	104	2981	109
	105	2982	Omitted—Super- seded by Pol. C.
	106	372a	
372a	107	2982a	265
	108		266
	110	2984	504
	111		507
	112		508
	113		2555
372b	Omitted—Obsolete	3005 to 3012, incl.	
372c	114	Omitted—Super- seded by charter	
372d	Omitted—Obsolete	3023 to 3027, incl.	
372e	Omitted—Obsolete	Omitted—Super- seded by charter	
372f	Omitted—Unnecessary	3029, 3030, 3031	
372g	Omitted—Super- seded by Pol. C.	Omitted—Super- seded by charter	
	372a	3033 to 3035, incl.	
2978	Omitted—Super- seded by Pol. C.	Omitted—Super- seded by charter	
	372	3042 to 3049, incl.	
2979	7050	Omitted—Super- seded by charter	
	200 to 209, incl.		
	2521 to 2523, incl.		
	7400		
2979a	2524, 2554	Omitted—Super- seded by charter	
2979b	250 to 262, incl.		

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued

Pol. Code Section	Health and Safety Code Section	Pol. Code Section	Health and Safety Code Section
3060	Omitted—Super- seded by Pol. C. 4225	3106	8100
3061	500 to 504, incl. 506 507 508 10510	3107	8125
		3108	8127
		3109	8129 to 8132, incl.
		3110	8133
		3111	8128
		3335	14825 to 14829, incl.
3062	600 601 700 701	3336	14830
			14835
		3337	14855
		3338	14856
3063	Omitted—Obsolete		14857
3064	509		14858
3074	Omitted—Super- seded by 1915: 378:575	3339	14859
		3340	14836
			14837
			14838
3075	Omitted—Super- seded by Pol. C. 372a	3341	14839
			14840
3076	10525 10528	3342	14841 to 14843, incl.
		3343	14844
			14845
3077	Omitted—Super- seded by 1915: 378:575	4041.15	850
			851
3078	10527 to 10533, incl.	4041d	268 to 270, incl.
3080	Omitted—Super- seded by 1915: 378:575	4041k	5400
		4225	450 to 452, incl.
			454 to 456, incl.
			476
3081	10534 10535 10536		477
			478
3082			491
3083	Omitted—Super- seded by 1915: 378:575		493
		4225b	602
			603
3084	7406 to 7409, incl.		702
3093	Omitted—Obsolete		703
3105	8126		

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

STATUTES OTHER THAN CODES

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1852:	129:	205	All	Omitted—Obsolete
1853:	22:	35	All	Omitted—Superseded by Pol. C. 3045, Pen. C. 373
1853:	42:	59	All	Omitted—Superseded by Pol. C. 3335-3338
1854:	8:	20	All	Omitted—Superseded by Pen. C. 290
1854:	37:	42	All	Omitted—Obsolete
1858:	57:	41	All	Omitted—Obsolete
1858:	180:	133	All	Omitted—Obsolete
1859:	78:	59	All	Omitted—Obsolete
1859:	321:	358	All	Omitted—Obsolete
1861:	69:	55	All	Omitted—Obsolete
1861:	71:	57	All	Omitted—Obsolete
1861:	133:	123	All	Omitted—Obsolete
1861:	168:	167	All	Omitted—Obsolete
1861:	234:	238	All	Omitted—Obsolete
1861:	243:	248	All	Omitted—Obsolete
1861:	388:	408	All	Omitted—Obsolete
1861:	517:	585	All	Omitted—Superseded by Pol. C. 3338-3339
1862:	18:	11	All	Omitted—Obsolete
1862:	127:	114	All	Omitted—Obsolete
1862:	149:	140	All	Omitted—Obsolete
1862:	168:	166	All	Omitted—Obsolete
1862:	340:	465	All	Omitted—Obsolete
1862:	341:	466	All	Omitted—Obsolete
1862:	342:	466	All	Omitted—Obsolete
1863:	26:	26	All	Omitted—Obsolete
1863:	473:	742	All	Omitted—Obsolete
1863-4:	248:	256	All	Omitted—Obsolete
1865-6:	98:	79	All	Omitted—Superseded by charter
1865-6:	156:	138	All	Omitted—Superseded by charter
1865-6:	180:	161	All	Omitted—Obsolete
1865-6:	250:	276	All	Omitted—Obsolete
1865-6:	303:	337	All	Omitted—Superseded by 1931: 1448:2434
1865-6:	424:	533	All	Omitted—Obsolete
1865-6:	450:	533	All	Omitted—Obsolete
1867-8:	26:	26	All	Omitted—Superseded by 1931: 1448:2434
1869-70:	228:	329	All	Omitted—Obsolete
1869-70:	490:	716	All	Omitted—Superseded by charter
1871-2:	286:	389	All	Omitted—Obsolete
1871-2:	388:	542	All	Omitted—Obsolete
1871-2:	398:	553	All	Omitted—Obsolete
1871-2:	428:	625	All	Omitted—Obsolete
1871-2:	485:	715	All	Omitted—Obsolete
1871-2:	529:	765	All	Omitted—Obsolete
1871-2:	578:	855	All	Omitted—Obsolete
1871-2:	530:	766	All	Omitted—Obsolete
1873-4:	177:	240	All	Omitted—Obsolete
1873-4:	327:	474	All	Omitted—Obsolete
1873-4:	370:	530	All	Omitted—Obsolete
1873-4:	397:	569	All	Omitted—Obsolete
1873-4:	460:	691	All	Omitted—Obsolete

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1873-4:	552:	788	All	Omitted—Obsolete
1873-4:	639:	886	All	Omitted—Obsolete
1873-4:	676:	942	All	Omitted—Obsolete
1875-6:	72:	47	All	Omitted—Obsolete
1875-6:	232:	305	All	Omitted—Superseded by charter
1875-6:	234:	310	All	Omitted—Obsolete
1875-6:	271:	360	All	Omitted—Superseded by charter
1875-6:	303:	398	All	Omitted—Obsolete
1875-6:	401:	567	All	Omitted—Obsolete
1875-6:	433:	610	All	Omitted—Obsolete
1875-6:	496:	759	All	Omitted—Superseded by Pen. C. 401a
1875-6:	583:	865	All	Omitted—Obsolete
1875-6:	601:	896	All	Omitted—Obsolete
1875-6:	647:	866	All	Omitted—Obsolete
1877-8:	83:	104	All	Omitted—Obsolete
1877-8:	178:	214	All	Omitted—Obsolete
1877-8:	304:	383	All	Omitted—Obsolete
1877-8:	374:	558	All	Omitted—Obsolete
1877-8:	325:	436	All	Omitted—Obsolete
1877-8:	446:	685	All	Omitted—Obsolete
1877-8:	513:	796	All	Omitted—Obsolete
1877-8:	594:	943	All	Omitted—Obsolete
1877-8:	648:	999	All	Omitted—Obsolete
1877-8:	673:	1050	1	7551
				7555
			2	7552
				7553
			3	7556
				7558
			4	7557
			5	7559
			6	7550
				7554
			7	Omitted—Unnecessary
1880:	66:	61	All	Omitted—Obsolete
1881:	36:	26	1	14000, 14005
			2	14050
				14025 to 14029, incl.
			3	14150 to 14152, incl.
				14073 to 14078, incl.
				14089
				14100
			4	14101 to 14103, incl.
			5	14079 to 14081, incl.
				14154 to 14156, incl.
			6	14104 to 14109, incl.
			7	14110
				14111
			8	14112
			9	14153
			10	14157
			11	14158
			12	Omitted—Obsolete
			13	14082
			14	14159
			15	14055

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1881:	36:	26	16	14054
			17	14051 to 14053, incl.
			18	14113
			19	Omitted—Obsolete
			20	14004, 14006 to 14008, incl.
			21	14083
				14084
			22	14085
				14086
				14088
			23	14087
			24	14009
			24a	14200 to 14204, incl.
			24½	14225 to 14237, incl.
			25	Omitted—Unnecessary
			26	Omitted—Unnecessary
			27	14300 to 14308, incl.
			28	14309 to 14314, incl.
			28a	14250 to 14258, incl.
			28b	14275 to 15291, incl.
			29	Omitted—Unnecessary
			30	Omitted—Unnecessary
			31	14003
1881:	67:	76	All	Omitted—Obsolete
1883:	77:	366	All	Omitted—Superseded by 1885:14:12
1883:	90:	376	1	1700
			2	1701
			3	1702
			4	1703
			5	Omitted—Unnecessary
1885:	14:	12	1	800 to 803, incl.
			2	804
			3	805
				806
				807
			4	808
			5	809
			6	810
			7	811
			8	Omitted—Unnecessary
1885:	21:	25	All	Omitted—Obsolete
1887:	22:	18	All	Omitted—Appropriation
1887:	95:	110	1	12101
			2	12102
			3	12103
				12107
			4	12108
				12109
			5	12352
			6	12351
				12352
			7	12351
				12353
			8	12354
			9	12304
				12305
			10	12005

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1891:	148:	209	All	Omitted—Obsolete
1891:	161:	223	1	5520 to 5522, incl.
			2	5523 to 5525, incl.
			3	5541
			4	5631
				5635
				5637
				5540
				5542 to 5546, incl.
			5	5590 to 5602, incl.
				5680
				5731
				5732
			6	5560
			7	5573
			8	5574 to 5576, incl.
				5750 to 5754, incl.
			9	5562 to 5564, incl.
				5568
				5630 to 5632, incl.
				5634 to 5637, incl.
				5650 to 5652, incl.
			10	5561
				5565 to 5567, incl.
			11	5691
				5730
				5760 to 5764, incl.
				5770 to 5772, incl.
			12	5780 to 5785, incl.
				5787
				5800 to 5805, incl.
			13	5786
				5815 to 5821, incl.
				5828
			14	5681
				5682
				5683
			15	5630
				5631
				5634
				5635
				5662
				5663
				5684
			16	5685 to 5690, incl.
				5692
				5710 to 5713, incl.
				5822
				5825
			17	5735
				5737
				5739
				5781
			18	5693
				5569
			19	5570
			20	5571

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1891:	161:	223	20 (Cont.)	5572
			21	5860 to 5867, incl.
			22	5610 to 5623, incl.
			22½	5630
				5631
				5633 to 5635, incl.
				5660 to 5663, incl.
				5670 to 5672, incl.
				5683 to 5689, incl.
				5692
				5700
				5733, 5734
				5736
				5738
				5739
				5781
				5823
				5824
				5840 to 5852, incl.
		23		Omitted—Unnecessary
1893:	163:	189	All	Omitted—Appropriation
1893:	190:	234	1	7600
1895:	39:	45	All	Omitted—Superseded by Pol. C.
				2979
1895:	115:	107	All	Omitted—Unconstitutional
1899:	66:	81	1	4660
				4661
			2	4665
				4666
			3	4662
			4	4663
				4664
			5	Omitted—Unnecessary
1903:	218:	255	All	Omitted—Appropriation
1903:	232:	283	1	24400
			2	24401
				24402
				24403
			3	
			4	Omitted—Unnecessary
1903:	236:	289	1	19600
			2	Omitted—Unnecessary
1903:	239:	317	All	Omitted—Superseded by 1925:
				316:536
1905:	119:	115	All	Omitted—Superseded by 1915:
				378:575
1905:	223:	209	1	374
				375
			2	376
				377
			3	Omitted—Obsolete
1907:	458:	846	All	Omitted—Superseded by 1911:
				692:1350
1907:	492:	893	1	Omitted—Unnecessary
			2	5410
				5412
				5413
				5414
				5416

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1907:	492:	893	2 (Cont.)	5445
			3	5415
				5417 to 5444, incl.
				5460 to 5464, incl.
			4	4453
				4454
			5	4455
				4456
			6	4001
			7	4003
			8	4002
			9	4000
			10	4004
			11	453
				492
				505
				2560
				2568
			12	2558
			13	2559
				2561
				2562
				2563
				2566
				2567
				2569
				2570
				2571
				2574
			14	2556
			15	2557
			16	2572
				2573
			17	2564
			18	7303
			19	7300
			20	7351 to 7355, incl.
			21	2602
				4456
			22	Omitted—Unnecessary
1909:	164:	261	1	24000 to 24003, incl.
			2	24004
			3	Omitted—Obsolete
1909:	204:	311	1	1800
				1801
				1803
			2	1804
			3	1805
			4	1806 to 1812, incl.
			5	1813
1909:	242:	368	All	Omitted—Appropriation
1909:	347:	576	1	14800 to 14804, incl.
			2	14810 to 14812, incl.
			3	14815
				14816
			4	Omitted—Unnecessary
1909:	591:	899	1 to 5, incl.	Omitted—Obsolete
			6	3099
1909:	646:	978	1	4300

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1909:	646:	978	2	4301
			3	4302
1909:	673:	1011	1	4591
			2	4592
			3	4593
1911:	23:	40	All	Omitted—Obsolete: Unconstitu- tional
1911:	213:	391	1	12000
			2	12001
			3	12150
			4	12151
			5	12152
			6	12153
			7	12171 to 12190, incl.
			8	12210 to 12212, incl.
			9	12220
			10	12004
			11	12300
			12	12301
			13	12303
			14	12306
			15	12100 to 12109, incl.
			16	12400
			17	12401
			18	12302
			19	12003
			20	12002
1911:	300:	494	1	19700
			2	19702
1911:	375:	685	1	24050 to 24054, incl.
1911:	455:	904	1	4605
			2	4606
			3	4607 to 4612, incl.
			4	4615 to 4618, incl.
			5	4619
			6	4620
			7	4621
			8	4622
			9	4623
			10	4627 to 4635, incl.
			11	4638
			12	4639
			13	4636
			14	4601
			15	4602
1911:	692:	1350	16	Omitted—Unnecessary
1913:	81:	86	All	Superseded by 1915:766:1530
			1	3901
			2	3900
			3	3954
			4	3902
			5	3950 to 3952, incl.
			6	3953
			7	3960
1913:	369:	783	1	1900 to 1903, incl.
			2	1904
			3	1905

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1913:	369:	783	3	1906
				1907
			4	1908
			5	1909
			6	1910 to 1915, incl.
			7	1916 to 1918, incl.
1913:	391:	843	1	2000
			2	Omitted—Obsolete
			3	Omitted—Obsolete
1913:	422:	868	1	2730 to 2733, incl.
			2	2700 to 2703, incl.
			3	2704 to 2710, incl.
			4	Omitted—Unnecessary
1915:	337:	502	All	Omitted—Appropriation
1915:	378:	575	1	10025 to 10027, incl.
			2	10000
				10028
			3	10050 to 10052, incl.
			4	10100 to 10113, incl.
			5	7401 to 7405, incl.
			6	10325 to 10330, incl.
			7	10375
				10376
				10377
				10400 to 10405, incl.
			8	10425 to 10429, incl.
			8a	10500
				10501
			9	10010
				10011
				10450 to 10454, incl.
				10476
				10477
			10	Omitted—Unnecessary
			11	7410
				7411
				7501
				8110
				8111
				8112
			12	10150
			13	10175 to 10182, incl.
			14	10200
			15	10225
			15a	10250 to 10254, incl.
			15aa	10275 to 10279, incl.
			15b	10300 to 10305, incl.
			16	10004 to 10007, incl.
			17	10008
				10009
			18	10002
				10003
				10029
				10030
				10031
				10036
				10037
				20575 to 10579, incl.

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1915:	378:	575	19	10001 10114 to 10119, incl. 10201 10475
			20	10650 to 10654, incl.
			21	10550 10551 10600 to 10607, incl. 10625 to 10630, incl.
			22	7055 10675 to 10679, incl.
			23	10032 to 10035, incl. 10120
			24	Omitted—Unnecessary
			25	Omitted—Unnecessary
1915:	478:	800	1	400 401
1915:	584:	1011	1	2205
			2	2210
			3	2211
			3a	2212 to 2217, incl.
			3b	2218 to 2220, incl.
			3c	2221 to 2224, incl.
			4	2240 to 2245, incl.
			5	2246 to 2253, incl.
			6	2270
			6a	2271 to 2289, incl.
			7	2300
			7a	2301
			7b	2302
			7c	2303 to 2308, incl.
			7d	2309 2310 2311 2312
			7e	2330 to 2343, incl.
			8	2390 to 2400, incl.
			9	2200
			10	2204
			11	Omitted—Unnecessary
			12	2360 to 2370, incl.
			13	2371 to 2375, incl.
			14	2202
1915:	766:	1530	1	410 to 413, incl.
			2	414
			3	3300 to 3302, incl. 3305 to 3309, incl.
			3a	3303 3304
			4	Omitted—Obsolete
			5, 6	Omitted—Unnecessary
1917:	63:	70	1	24100 to 24103, incl.
			3	24104 24105
			5	24106 24107

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1917:	63:	70	6	24108
				24109
1917:	228:	432	1	19400
			2	19401
				19443
				19444
			3	19472
			4	19473
			5	19471
			6	19440 to 19442, incl.
			7	19470
			8	19500
			9	19420
			10, 11	Omitted—Unnecessary
1917:	560:	774	All	Omitted—Inactive
1917:	571:	791	1	900
				903
				935
			2	882
				901
				902
				904 to 913, incl.
				915
				916
			3	914
				917
				918
				920
				921
			4	925 to 928, incl.
			5	929 to 931, incl.
			6	936
			7	940 to 943, incl.
			8	944
			9	950 to 953, incl.
			10	958 to 964, incl.
			11	967 to 970, incl.
			12	883
				919
				922
			13	Omitted—Unnecessary
1917:	744:	1517	1	3700
			2	3701
			3	3702
			4	3703
			5	3704
1917:	745:	1518	1	3800
				3801
				3802
				3803
1917:	792:	1661	All	Omitted—Obsolete
1919:	480:	942	1	5925 to 5927, incl.
			2	5928 to 5930, incl.
			3	5941
			4	5940
				5942 to 5946, incl.

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1919:	480:	942	4 (Cont.)	6036
				6038
			5	5980 to 5994, incl.
				6105
				6166
				6167
			6	5950
				5966
			8	5967
				6200 to 6206, incl.
			9	5952 to 5954, incl.
				5956
				5960
				5961
				6030
				6031
				6033
				6034
				6036 to 6038, incl.
				6050
				6051
				6063
				6152
				6153
			10	5951
				5957
				5958
				5959
			11	6116
				6165
				6220 to 6224, incl.
				6230 to 6232, incl.
			12	6245 to 6250, incl.
				6252
				6265 to 6270, incl.
			13	6251
				6280 to 6283, incl.
				6285 to 6287, incl.
				6289
				6290
				6294
			14	6106 to 6108, incl.
			15	6075
			16	6076
				6115
			17	6030
				6031
				6035
				6036
				6038
				6077
				6078
				6109
				6117
			18	6110 to 6114, incl.
				6284
				6285
				6888

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch. Pg.	Sec.	Health and Safety Code Section
1919:	480: 942	18 (Cont.)	6291
			6292
		19	6118
			6150
			6151
		20	5827
			6168 to 6170, incl.
		21	5826
			6119
		22	5962
			5963
		23	5964
			5965
			6293
		24	6340 to 6347, incl.
		25	6015 to 6018, incl.
		25½	6185 to 6189, incl.
		26	6030
			6031
			6032
			6034 to 6036, incl.
			6090 to 6093, incl.
			6130
			6131
			6171
			6325 to 6337, incl.
		27	6005
		29	6140
		30	6052 to 6062, incl.
		31	5955
			6030
			6035
			6305 to 6311, incl.
		32	6312 to 6314, incl.
		33	Omitted—Unnecessary
1919:	583:1234	1	300
			301
		2	302
			303
			304
		3	Omitted—Obsolete
1921:	304: 413	All	Omitted—Obsolete
1921:	412: 605	1	350
			351
		2	352
			353
			354
		3	Omitted—Obsolete
1921:	652:1103	1	8890
			8900
			8901
			8902
			8903
			8910
			8911
			8912

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch. Pg.	Sec.	Health and Safety Code Section
1921:	652:1103	2	8920 8921 8922
		3	8924 8925 8926
		4	8923 8930 8931
			8932 to 8937, incl. 8938 8939
		5	8940 8941
		6	8950 8951 8952
		7	8960
		8	8961 8962 8963
		9	8970 to 8981, incl.
		10	8982 to 8985, incl.
		10½	9000 to 9005, incl.
		11	8990
		12	8964
		13	9075 to 9078, incl.
		14	9025 9026 9027
			9050 to 9054, incl.
1923:	65: 132	All	Omitted—Obsolete
1923:	171: 393	1	6420 to 6425, incl. 6440 to 6445, incl. 6731
		2	6446 to 6448, incl.
		3	6461
		4	6460 6462 to 6466, incl. 6561 6566 6568
		5	6510 to 6523, incl. 6640 6696 6697
		6	6480
		7	6494
		7a	6483
		8	6495 6496
		9	6715 to 6718, incl. 6482 6484 6485 6489 6560

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1923:	171:	393	9 (Cont.)	6561
				6563
				6564
				6566 to 6568, incl.
				6580
				6581
				6593
		10		6481
				6486 to 6488, incl.
		11		6651
				6695
				6730
				6732 to 6734, incl.
				6745 to 6747, incl.
		12		6760 to 6765, incl.
		13		6767
				6766
				6790 to 6795, incl.
				6797
				6799
		13a		6780 to 6787, incl.
		14		6641 to 6643, incl.
		15		6610
		16		6611
				6650
		17		6560
				6561
				6565
				6566
				6568
				6612
				6613
				6644
		18		6645 to 6649, incl.
				6796
				6797
		19		6652
				6680 to 6683, incl.
		20		6698 to 6700, incl.
				6761
		21		6653
		22		6490
				6491
		23		6492
				6493
				6798
		24		6900 to 6907, incl.
		25		6540 to 6543, incl.
		26		6830
				6840 to 6846, incl.
		27		6560
				6562
				6565
				6566
				6625 to 6628, incl.
				6660
				6661

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code--Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1923:	171:	393	27 (Cont.)	6701
			27a	6847 to 6855, incl.
			28	6870 to 6881, incl.
			29	6530
			30	6670
			31	6582 to 6592, incl.
			32	6810 to 6816, incl.
			33, 34	6817 to 6819, incl.
1923:	188:	429	1, 1st sent.	Omitted—Unnecessary
			2d sent.	13100
			3d sent.	13101
			2, 1st par.	13110
			2d par.	13104
			3d par.	13108
			4th par.	13105
			3	13112
			4	13106
			5, 1st par.	13107
			2d par.	13103
			3d par.	13109
			4th par.	13102
			5th par.	Omitted—Unnecessary
			6th par.	Omitted—Unnecessary
			6	13111
			7	Omitted—Unnecessary
1923:	191:	431	1	Omitted—Unnecessary
				14400
				14401
				14402
			2	14410 to 14415, incl.
			3	14416 to 14419, incl.
			4	14425 to 14432, incl.
			4a	14482
				14483
				14484
			5	14440 to 14451, incl.
			5a	14470
				14471
			5.5	14460 to 14466, incl.
			6	14500 to 14506, incl.
			7	14480
				14481
			7a	14540 to 14549, incl.
			7b	14525 to 14528, incl.
			7c	14529 to 14531, incl.
			8	14580 to 14592, incl.
			9	14510 to 14513, incl.
			10	14514
				14515
			10a	14560 to 14568, incl.
			10b	14406
				14407
			11	14485
				14486
			12	Omitted—Unnecessary
			13	14405

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1923:	250:	498	1	4703
			2	4710 to 4713, incl.
			3	4714 to 4716, incl.
			4	4717
				4718
			4½	4830 to 4832, incl.
			5	4730 to 4732, incl.
				4739 to 4747, incl.
			5½	4733
			6	4748
				4749
			7	4750 to 4753, incl.
			8	4780 to 4785, incl.
			9	4786 to 4791, incl.
			10	4792
				4793
			11	4794
			12	4795
			13	4796
			14	4810 to 4814, incl.
			15	4815 to 4817, incl.
			16	4754 to 4758, incl.
			17	4797
				4798
			18	4759
			19	4760
				4761
			19a	4840 to 4842, incl.
			20	4762
			21	4818
			22	Omitted—Unnecessary
			23	Omitted—Unnecessary
			23½	4850 to 4856, incl.
			24	4700
1923:	312:	646	1	7700
			2	7701
			3	7725
			4	7726
			5	7735 to 7739, incl.
			6	7750 to 7754, incl.
				7850
			7	7800 to 7803, incl.
			8	7851
				7852
			9	7804
				7805
			10	7900 to 7903, incl.
				7925
			11	7926 to 7929, incl.
			12	7905
				7950
				7951
			13	7952
				7953
				7954
				7955
				7904
			14	

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1923:	312:	646	15	7930 to 7933, incl.
			16	7502
			17	7980
			18	Omitted—Unnecessary
			19	Omitted—Unnecessary
1923:	386:	781	1	15000
				15151
			2	15250 to 15255, incl.
			3	17900
			4	15154
			5	15155 to 15158, incl.
				15688
			6	15295
				17901
			7	15351 to 15362, incl.
			8	15380 to 15388, incl.
			9	15270 to 15272, incl.
			10	15001 to 15008, incl.
				15010
				15011
				15013
				15014
				15015
				15016
				15018 to 15027, incl.
				15028
				15029 to 15031, incl.
				15033
				15034
				15651 to 15652, incl.
				15653
				15904
				16226
				16826
				17280 to 17284, incl.
				17300 to 17304, incl.
				17324
				17340
				17341
			2d, 3d, 4th, and 5th pars.	Deleted—Unnecessary
			16th par.	Deleted—Unnecessary
			18th par.; latter part	Deleted—Unnecessary
			29th par.	Deleted—Unnecessary
			30th par.	Deleted—Unnecessary
			11	15520 to 15523, incl.
			12	15850 to 15854, incl.
			5th par.	Deleted—Unnecessary
			13	15600 to 15602, incl.
				15604
			14	15603
				15653
				15680 to 15686, incl.
				15689
				17002
				15690
			15	15691
				15693

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1923:	386:	781	16	15687
			17	15500
				15501
			18	15692
			19	15694
			20	15695
			21	15730 to 15735, incl.
			22	15650
			23	15736 to 15738, incl.
				15741
				15742
				16829
			24	15739
				15740
			25	15654
				15655
			26	15743 to 15749, incl.
			27	15901 to 15903, incl.
				17702
			Part of 1st sent.	Deleted—Unnecessary
			28	16000 to 16002, incl.
			29	16000 to 16002, incl.
				17251
			30	16050 to 16058, incl.
				16060 to 16063, incl.
				17253
				17707
			31	16221 to 16225, incl.
				16227
				16233
				16264
			32	16063
				16228 to 16232, incl.
				17703
			33	15032
				16261 to 16263, incl.
				16265 to 16270, incl.
			34	16300 to 16305, incl.
			35	17502
			36	17501
				17503 to 17511, incl.
				17581
			37	15154
				17455
				17481 to 17485, incl.
			38	17551 to 17553, incl.
				17580
			39	17531 to 17534, incl.
				17580
			40	17450
				17456
				17457
				17585
			41	17451 to 17454, incl.
			7th sent.	Deleted—Unnecessary

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1923:	386:	781	42	17458 to 17466, incl. 17512
			43	17582 to 17584, incl.
			44	16401 to 16404, incl.
			45	16400
			46	16405 to 16409, incl. 16400
			47	16410 to 16414, incl.
			48	16415
			49	16416 to 16422, incl.
			50	16100 16423
				16501 to 16504, incl.
				16600 to 16615, incl.
				16640
				16650 to 16655, incl.
				16670 to 16679, incl.
				16690 to 16694, incl.
		13th par., 6th cl.	51	Deleted—Unnecessary 16720 16721
			52	16520 to 16527, incl.
			53	16540 to 16545, incl. 16500
				16560 to 16564, incl.
				16705
			54	16740 to 16744, incl.
		part of 2d par.	55	Deleted—Unnecessary
				16771 to 16776, incl.
				16800
			56	16820 to 16828, incl.
				16830 to 16835, incl.
			57	15750
		1st sent.	58	Deleted—Unnecessary
			58a	16950 to 16959, incl.
			59	16900 to 16905, incl. 17000 17001
				17020 to 17023, incl.
				17040 to 17045, incl.
				17060 to 17062, incl.
				17080 to 17088, incl.
				17704
			60	16233 to 16235, incl.
				16271
			61	15012 17250 17252
				17256 to 17269, incl.
				17320 to 17323, incl.
			62	17151 to 17157, incl.
			63	16059 16101
			64	16201 to 16204, incl.
			65	17254 17700 to 17702, incl. 17705 17706

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1923:	386:	781	66	17819
				17820
			67	17804 to 17807, incl.
			68	17800 to 17803, incl.
			69	17808
			70	17809
			71	17810 to 17812, incl.
			72	17813
				17814
			73	17815
			74	17255
				17816
				17817
			75	17818
			76	15290 to 15294, incl.
			77	17902
			78	15296 to 15298, incl.
			79	15315 to 15317, incl.
			80	15318
			81	15319
			82	15300
			83	15299
			84	15152
				15153
			2d and 3d pars.	Deleted—Part unnecessary, part obsolete
			85, 86, 87	Omitted—Unnecessary
1925:	275:	459	All	Omitted—Obsolete
1925:	314:	532	1	11780
			2	11781
			3	11782
				11783
				11784
			4	11785 to 11788, incl.
			5	11789
			6	11790
			7	11791 to 11793, incl.
			8	11794
				11795
			9	11796
			10	11797
			11	Omitted—Unnecessary
1925:	316:	536	1	1400
				1401
				1403
				1405
				1409
			2	1404
				1406 to 1408, incl.
			3	1401
				1410
			4	1411
1927:	213:	380	1	4105
			2	4106 to 4108, incl.
			3	4109
			4	4110 to 4112, incl.
			5	4120

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1927:	213:	380	5.5	4121
			6	4122
			7	4127
			8	4160 to 4163, incl.
			9	4143 to 4147, incl.
			10	4135 to 4139, incl.
1927:	254:	465	1	20025
			2	20026
				20034
				20036
				20060
				20061
			3	20070
				20071
				20081
				20101
				20108
			4	20072 to 20076, incl.
			5	20102
			6	20103
				20110
				20111
			7	20105
			8	20104
			9	20106
			10	20107
				20109
				20112
			11	20112
			12	20113
			13	20078
			14	20080
			15	20069
			16	20068
			17	20062 to 20066, incl.
			18	20067
			19	20079
			20	20004
			23	Omitted—Unnecessary
			24	20035
				20077
			25	Omitted—Unnecessary
			26	20130 to 20143, incl.
1927:	282:	502	1	1000
			2	1001
			3	1002
1927:	623:	1049	1	7200
			2	7205
			3	7202
			4	7203
				7208
			5	7201
				7204
			6	7207
			7	7206
			8, 9	Omitted—Obsolete

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1927:	642:	1088	1	4870 to 4875, incl.
			2	4876 to 4878, incl.
			3	4890
			4	4885
				4886
			5	4887
			6	4891
				4892
			7	4915 to 4920, incl.
			8	4905 to 4911, incl.
			8a	4921 to 4926, incl.
			9	4895 to 4903, incl.
			10	4864
			11	4860
1927:	644:	1093	All	Omitted—Obsolete
1927:	880:	1924	1, 1st par.	13201
			2d par.	Omitted—Unnecessary
			3d par.	13106
			4th and 5th pars.	13204
			6th par.	Omitted—Unnecessary
			7th par.	13205
			8th par.	Omitted—Unnecessary
			9th par.	13207
			10th par.	13209
			11th par.	13211
			12th par.	13208
			13th par.	13216
			14th par.	13217
			15th par.	13215
			16th and 17th pars.	13202
			18th par.	13203
			19th par.	13218
			20th par.	13253
			21st par.	13252
			2, subd. (a),	
			1st sent.	13300
			2d sent.	13317
			subd. (b),	
			1st sent.	13302
				13303
				13304
				13308
			2d sent.	13305
				13306
			3d sent.	13307
			4th sent.	13309
			5th sent.	13310
			subd. (c)	13318
			subd. (d)	Omitted—Unnecessary
			subd. (e)	13319
			subd. (f),	
			1st sent.	13301
				13311
			2d sent.	13312
			subd. (g),	
			1st and 2d sents.	13313
				13314
			3d sent.	13315

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1927:	880:	1924	2, subd. (h)	13251 13316 13252 13253 13324 13404 13320 13321 13322 13323
			3, 1st par.	
			2d par.	
			3d par.	
			4, 1st par.,	
			1st sent.	13450
			2d sent.	13452
			3d sent.	13453 13454
			2d par.	13451
			3d par.	Omitted—Unnecessary
			5, subd. (a)	13350
			subd. (b)	13352 13354 13355 13356 13353
			subd. (c)	
			subd. (d),	
			1st sent.	13358
			2d sent.	13359
			subd. (e),	
			sents. 1-8, incl.	13351
			9th sent.	13403
			subd. (f)	13357
			subd. (g)	13360
			subd. (h),	
			sents. 1-3, incl.	13362
			4th sent.	13363
			subd. (i),	
			1st and 2d sents.	13364
			3d sent.	13365
			subd. (j)	13367
			subd. (k)	13366
			subd. (l)	13370
			subd. (m)	13368
			subd. (n)	13369
			subd. (o)	13361
			subd. (p)	13371 13372 13373 13374 13375 13376 13377 13379 13378 13381 13382 13383 13384 13385
			subd. (q)	
			subd. (r)	
			subd. (s)	
			subd. (t)	
			subd. (u)	

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year Ch. Pg.	Sec.	Health and Safety Code Section
1927: 880:1924	5, subd. (v)	13380
	subd. (w)	13388
	subd. (x)	13397
	subd. (y),	
	1st sent.	13390
	2d sent.	13391
	3d sent.	13392
	4th sent.	13393
	5th sent.	13389
	6th sent.	13394
	7th sent.	13395
	8th sent.	13396
	subd. (z),	
	1st sent.	13386
	2d sent.	13386
	3d sent.	13387
	subd. (zz),	
	1st and 2d pars.	13399
	3d par.	13400
		13401
		13402
	4th par.	13398
	6, 1st par.	13254
	part of 2d par.	13250
1929: 140: 258	17	7350
	18	7203
	19	7301
	20	7302
1929: 180: 331	1	24220
		24224
		24232
		24231
		24250
	2	24204
	3	24206
		24221
		24223
		24225
		24227
		24228
		24229
		24230
	4	24210 to 24213, incl.
		24226
	5	24240
		24241
		24244
	6	24214
1929: 181: 333	1	24220
		24224
		24231
		24232
		24250
	2	24205

Remainder of par.
omitted—Unnecessary

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1929:	181:	333	3	24206 24222 24223 24225 24227 24228 24229 24230
			4	24210 to 24213, incl. 24226
			5	24240 24242 24243 24244
			6	24214
1929:	188:	341	1	11100
			2	11101
			3	11102
			4	11103
			5	11105
			6	11106
			7	Omitted—Obsolete
			8	Omitted—Obsolete
			9	Omitted—Unnecessary
			10	11107
1929:	216:	380	1	11001 11002 11003 11036 11160 11161 11162 11165 11166 11169 11170 11171
				11173 to 11177, incl. 11250 11275 11451
			1a	11570 to 11573, incl. 11574 11575
			1b	11576 11163 11164 11167
			1c	11450 11168 11200 11201 11331
			1d	11426 11035 11225 11227

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code---Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1929:	216:	380	1e	11172
			1.4	11530
			2	11104
				11226
				11330
				11332
				11390
				11391
				11392 to 11396, incl.
				11425
			3	11531
				11555
				11711
			4	11710
			5	11680
			6	11713
			7	11712
			8	11714
			9	11715
			10	11716
			10a	11681
			10b	11682
			10c	11683
				11684
			10d	11685
			10e	11686
			10f	11687
			10g	11688
			11	11650 to 11655, incl.
			11.5	11656
			11.6	11657
			12	11717
			13	11475 to 11478, incl.
			13.5	11479
			14	11000
				11003
			15	11610 to 11629, incl.
			16, 17, 18	Omitted—Unnecessary
1929:	221:	413	1	Omitted—Unnecessary
			2	9501
				9502
			3	9525 to 9528, incl.
			4	9675
			5	9550
			6	9503
			7	9675 to 9677, incl.
			8	9551
				9560 to 9564, incl.
				9575
				9580
				9581
				9590
				9591
			9, 1st par., last sent.	9600
			14th par.,	9601
				9602

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1929:	221:	413	9, 14th par., (Cont.)	9603
				9604
				9605
			last sent.	9625
				9626
				9627
				9628
				9629 to 9632, incl.
				9633 to 9643, incl.
				9644 to 9650, incl.
				9651 to 9657, incl.
		10		Omitted—Unnecessary
		11		Omitted—Unnecessary
1929:	416:	738	All	Omitted—Obsolete
1929:	432:	752	1	3100
				3101
			2	3100
1929:	457:	819	1	14875
				14876
			2	14880 to 14884, incl.
			3	14890 to 14897, incl.
			4	14898
				14899
			5	14900
				14901
				14902
			6	14905 to 14907, incl.
			7	14910
				14911
				14912
			8	14915
				14919
1931:	56:	50	All	Obsolete—Appropriation
1931:	168:	238	1	4200
			2	4201
			3	4202
			4	4203
			5	4204
			6	Omitted—Unnecessary
			7	Omitted—Unnecessary
			8	Omitted—Unnecessary
1931:	214:	383	1	18100
			2	18300
				18301
				18302
			3	18303
			4	18301
				18304
			5	18430 to 18436, incl.
			6	18402
				18403
			7	18400
				18401
			8	18460
			9	18461
			10	18404
				18462

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code--Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1931:	214:	383	11	18463
			12	18464
			13	18104
				18201
				18202
			14	18106
				18200
				18800
			15	18800
			16, 17	Omitted—Unnecessary
			1	24381
			2	24382
			3	24383
			4	24380
			5	24384
1931:	538:	1143	6	24385
			1	13025
			2	13026
			3	13027
			4, 5	13028
1931:	734:	1523	1	14600
			2	14610 to 14616, incl.
			3	14617 to 14622, incl.
			4	14623 to 14625, incl.
			5	14630 to 14636, incl.
			6	14637 to 14640, incl.
			7	14650 to 14660, incl.
			8	14680 to 14685, incl.
			8.5	14686
				14687
			8.6	14688
				14689
			9	14604
				14605
			10	14700 to 14709, incl.
			11	14760 to 14766, incl.
			12	14735 to 14750, incl.
			12.5	14720 to 14728, incl.
			13	14603
1931:	425:	972	1, 1st par.	13501
			2d par.	Omitted—Unnecessary
			3d par.	13505
			4th par.	13511
			5th par.	13506
			6th par.	13507
			7th par.	13508
			8th par.	13509
			9th par.	13513
			10th par.	13502
			11th par.	13515
			12th par.	13503
			13th par.	13504
			14th par.	13514
			15th par.	13517
			16th par.	13516
			2, 1st par.	13552
				13604
				13605
			2d par.	13551

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1931:	425:	972	3, 1st par.	13600 Part of par. omitted—Un- necessary
			2d par.	13601
			3d par.	13675
			4th par.	13676
			5th par.	13686
			6th par.	13683
			7th par.	13682
			8th par.	13677
			9th par.	13727
			10th par., 1st sent	13685
			2d sent.	13553
			11th par., 1st sent.	13725
			2d sent.	13728
				13729
			12th par.	13726
			13th par.	13688
			4, 1st par.	Omitted—Obsolete
			2d par.	13607
			3d par.	13602
				13603
			4th par.	13655
			5th par.	13512
				13655
			6th par.	13651
			7th par.	13510
			8th par.	13656
			9th par.	13655
			10th par.	13657
			11th par.	13652
			12th par.	13609
				13653
				13655
			13th par.	13602
				13606
				13655
			14th par., 1st sent.	13612
			2d sent.	13611
			3d sent.	13687
			15th par.	13610
			16th par.	13519
			17th par.	13111
				13654
			18th par.	13613
			19th par.	13613
				13614
				13615
				13616
			5, 1st par.	13678
			2d and 3d pars.	13679
			4th par.	13608
				13684
				13689
			5th par.	13680
			6th par., 1st sent.	13681
			6	13520

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1931:	425:	972	7, 1st par. 2d par.	13550 13554
			8	Omitted—Unnecessary
1931:	892:	1906	1	2290
			2	2291
1931:	1148:	2434	1	Omitted—Unnecessary
			2	7002 to 7012, incl. 7014 to 7017, incl. 7019 to 7023, incl.
			3	8275
			4	8253
			5	8340 8341
			6	8500 8525 8526
			7	8550 to 8557, incl.
			8	8558 8559 8580
			9	8560 8561
			10	8570 to 8572
			11	8600 8601 8602 8675 8676
			12	8625 to 8628, incl. 8603 8604 8605 8650 to 8653, incl.
			13	8680
			14	8629
			15	8300 to 8309, incl.
			16	8725 to 8737, incl.
			17	8780
			18	8700 to 8715, incl.
			19	8750 8751
			20	8775 8776
			21	7100 7101 7104
			21a	7105 to 7109, incl.
			22	7110 7111 7112
			23	7500 8330
			24	7525 to 7528, incl.
			25	8101 8102 8103
			26	8325

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch.	Pg.	Sec.	Health and Safety Code Section
1931:	1148:	2434	27	8350
				8351
			28	7975
			29	Omitted—Unnecessary
			30	8254
		30.5		8800 to 8806, incl.
			31	8250
			32	8251
1933:	90:	534	All	Omitted—Appropriation
1933:	331:	909	1	4950
				5000 to 5002, incl.
			2	5003
			3	5004 to 5007, incl.
				5026
			4	5025
			5	4965
				4966
				4970
			6	4958
				4959
				4971 to 4979, incl.
			7	4985
				5008
			8	5040
				5043 to 5050, incl.
				5051
			8a	5052 to 5055, incl.
			9	5028
				5029
				5041
				5042
			10	5009
			11	4986 to 4992, incl.
			12	5027
				5031
			13	5030
			14	5032 to 5034, incl.
			15	5060 to 5063, incl.
			16	4993
				5010 to 5020, incl.
			18	4960
				4994
				4995
			19	Omitted—Unnecessary
1933:	601:	1531	1	19150
			2	19151
			3	19151
			4	19100
			5	19170
			6	19120
				19121
				19122
			7	19101
			8	Omitted—Unnecessary

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year	Ch. Pg.	Sec.	Health and Safety Code Section
1933:	607:1549	1	2100
			2101
		2	2102
		3	2103
		4	2104
		5	2105
		6	2106
		7	Omitted—Unnecessary
1933:	756:1980	1	1202
		2	1251
		3	1203 to 1208, incl.
		4	1209 to 1212, incl.
		5	1213
			1218 to 1221, incl.
		6	1222
			1223
			1225 to 1228, incl.
		7	1230
		8	1231
		9	1213
			1224
			1240
		10	1213
			1232
			1241 to 1243, incl.
		11	1213
			1233
			1234
			1235
		12	1251
		13	Omitted—Unnecessary
		14	1214
			1215
		15	Omitted—Unnecessary
1933:	802:2128	1	18100
		2	18480
		3	18800
1933:	894:2305	1	20310
		2	20311 to 20317, incl.
		3	20330 to 20332, incl.
1933:1033:2631		All	Omitted—Appropriation
1935:	20: 79	1	2800
			2801
		2	2822
			2823
		3	2824
		4	2825
		5	2826
		6	2827
		7	2828
		8	2829
			2830
		9	2831
		10	2832
		11	2850
			2851

TABLE NUMBER TWO.

Disposition of Former Statutes in Health and Safety Code—Continued.

Year Ch. Pg.	Sec.	Health and Safety Code Section
1935: 20: 79	12	2852
		2853
	13	2870
	14	2871
	15	2872
	16	2873
		2874
	17	2900
	18	2920 to 2922, incl.
	19	Omitted—Unnecessary
1935: 377:1329	All	Omitted—Appropriation
1937: 351: 762	1	13050
	2	13051
		13052
	3	13053
		13054
1937: 530:1539	1	18101
	2	18102
	3	18103
	3.5	18300 to 18304, incl.
	4	18625
		18626
		18650 to 18659, incl.
		18680
		18681
		18710 to 18712, incl.
		18801
	6	18682
	7	18683 to 18685, incl.
	8	18601
	9	18602
	10	18600
	11	18802
	12	18201
	13	18105
	14	18200
	15	Omitted—Unnecessary

INDEX

A

Section

ABANDONMENT.

excavations	24400 to 24403
sewers and drainage, rights of way for	5400

ACCOUNTS, ACCOUNTING, ETC. See also RECORDS.

explosives, sales of	12100 to 12106
fire protection districts, county	14455.3
fire protection districts in unincorporated areas	14082
police protection districts (unincorporated towns)	20078 to 20080
sanitary districts (1919)	6286, 6290
sewer revenue bonds, districts issuing	5032
vital statistics, state registrar of	10627

ACTIONS AND PROCEEDING. See also APPEALS; COSTS, COURT; INJUNCTIONS; LIENS; NUISANCES.

biologic violation prosecutions	1621
capacity to sue and be sued—	
health districts, local	936
pest abatement districts	2853
police protection districts (unincorporated towns)	20077
public health, department of	205, 206
sanitary districts (act of 1891)	5571, 5591
sanitary districts (act of 1919)	5964, 5981
sanitary districts (act of 1923)	6492, 6511
cemeteries, private—	
care and replatting, etc., of old cemeteries, proceedings for	8700 to 8715
dedication, removal of	7906, 8580, 8581
city health officer: action by direction of state department to compel appointment	509
clothes cleaning establishments—	
licenses, revocation of	13320 to 13324
violations, prosecution of	13454
dead bodies: application to superior court for permission to disinter and remove where absence of required consent	7526, 7527
drugs or devices—	
adulteration or misbranding, hearings of state board of public health re	26340 to 26342
condemnation proceedings	26365 to 26369
effect of enactment of code	4
explosives, actions for forfeiture of—	
peace officers or police officers, suits by	12005
sale record violations	12108, 12109
transportation violations	12305
foods—	
adulteration or misbranding, local hearings re	26619 to 26621
condemnation	26585 to 26589
regulations, hearings re promulgation of	26543, 26544
housing act enforcement	15290 to 15300
interment expenses, recovery of, from person omitting to perform duty of interment	7103
interment, petition for order directing performance of, by person having duty or by coroner	7105 to 7107, 7109
limitations—	
dead bodies, cremated, actions against cemetery authorities re	7112
fire protection districts in unincorporated areas validity test cases	14006
rodent eradication lien foreclosures	1810
sewer revenue bonds: bonds of contractors with districts issuing	5021
narcotics—	
seizure of narcotics and opium pipes illegally possessed	11650 to 11653
violation fines or forfeitures, suit by state controller to enforce collection and remittal of	11686
physically handicapped children, securing services for	254 to 256
rodent eradication lien foreclosure	1810 to 1812

ACTIONS AND PROCEEDINGS—Continued.		Section
sanitary districts (act of 1891) : annexation election cost bonds, actions on		5851
sanitary districts (act of 1919) : annexation election cost bonds, actions on		6336
sewage disposal—		
injunctions against violations re		5443
penalties for violations re: recovery by state		5462
sewer revenue bonds—		
collection of rates and penalties for use of district works	5053 to	5055
writ of mandate for increase of rates for use of district works, petition for		5042
spotting, sponging and pressing establishments—		
licenses, revocation of	13613 to	13616
violations, prosecution of		13729
tuberculosis hospitals maintained by group of counties: money due under agreements re		3305
vandalism, civil action for damages caused by		8102
vehicles transporting narcotics, forfeiture of	11610 to	11629
vital statistics, proceedings to establish	10600 to	10607
ADDICTS, NARCOTIC. See NARCOTICS.		
ADULTERATION. See DRUGS; FOODS.		
ADVERTISING. See also DRUGS; FOODS; NOTICES. PUBLICATION OF; PUBLICATIONS; SIGNS.		
alcoholic beverages		26501.1
bids, calls for. See NOTICES.		
biologics		1603
AFFIDAVITS. See also VERIFICATION.		
cemetery plots, affidavit for use of unoccupied portions of		8605
explosives sales		12105
fire protection districts (in one or more counties) : affidavit verifying petition for inclusion		14724
fire protection districts in unincorporated areas: affidavit verifying petition for inclusion		14230
legitimated children: affidavit to be filed with birth certificate	10275 to	10277
narcotic nuisance abatement proceedings: affidavit to establish existence of nuisance		11783
sewer revenue bonds: publication of notice of sewer work		4973
vital statistics, corrections of: affidavits of facts	10575,	10576
AGRICULTURE, STATE DEPARTMENT OF.		
approval: packing materials, cleansing and disinfecting of		3751
AID, STATE.		
convalescent colonies, county or city	3325, 3326, 3340 to	3342
physically handicapped children, services to	256,	259
tuberculosis hospitals		3300
tuberculosis preventoria		3100
AIR DUCTS: housing act provisions		16800
ALCOHOLIC BEVERAGES. See also DRUGS; FOODS.		
advertising: conflicting provisions of pure food and drug act and alcoholic beverage control act		26501.1
public health department reports		210
refilled packages, sales of, prohibited		26517
ALIENS: deportation, reports recommending, upon conviction of certain narcotics violations		11715.5
ANIMALS. See also DOGS; RABIES; RODENT ERADICATION.		
apartment houses or hotels, keeping in or near		17816
diseases, communicable, examination of causes of, by state department of public health		200
dwellings, keeping in or near		17817
health menaces, destruction of, by state department		2523
refuse, cremation of		4303
water supplies, keeping in manner to prevent pollution of	4453,	4454

	Section
APARTMENT HOUSES, HOTELS, ETC. See also HOUSING ACT, STATE.	
bedding and sanitation	19400 to 19500
beds, dormitory	17155
exit and stairway signs	19700, 19702
garages. See GARAGES.	
garbage and refuse	17809 to 17812
illumination	17819, 17820, 19600
mosquito screening	17808
person in charge: residing in or near	17818
records to be filed with housing department	15315 to 15318
rodent inspection	1804 to 1806
APPEALS.	
clothes cleaning establishment licenses, orders revoking	13324
police protection districts (in unincorporated towns): formation petition hearings	20037
spotting, sponging, pressing establishment licenses, orders revoking	13616
tanks and boilers, orders of industrial accident commission re	24230
APPROPRIATIONS, CONTINUOUS. See also EXPENDITURES; FUNDS.	
aviary inspection fund	2104
clinic and dispensary fund	1243
convalescent colony fund	24385
fire marshal's fund	13111
physically defectives' revolving fund	263
ASSESSMENTS. See TAXATION; see also FEES.	
ASSESSORS, COUNTY. See also TAXATION.	
pest abatement districts, duties re	2871
sanitary districts (act of 1919), duties re	5966, 5967
ATTACHMENT.	
cemetery funds, exemption of	7925
cemetery property, exemption of	8561
dead bodies, attachment of, a misdemeanor	7053
ATTORNEY GENERAL.	
approvals—	
convalescent colony, titles of gifts of land to	24383
special counsel employed by chief of division of narcotic enforcement	11680
vital statistics, enforcement of provision re, at request of state department of public health	10033
ATTORNEYS. See also ATTORNEY GENERAL; ATTORNEYS, CITY; DISTRICT ATTORNEYS.	
employment by—	
narcotic enforcement, chief of division of	11680
sanitary districts (act of 1891)	5572
sanitary districts (act of 1919)	5965
sanitary districts (act of 1923)	6493
sewer revenue bonds, districts issuing	5005
ATTORNEYS, CITY. See also DISTRICT ATTORNEYS.	
biologic violations prosecutions	1621
rodent eradication liens, actions to foreclose	1810
AUDITORS, COUNTY.	
police protection districts (unincorporated towns), duties re	20080, 20112
sanitary districts (act of 1923), duties re	6782, 6786
sanitation districts, county, duties re	4732
weeds: expenses of abatement, duties re report on	14915
AUTO CAMPS, TRAILER CAMPS, AND TRAILER COACHES.	
camp, auto—	
construction—	
generally	18400 to 18404
windows	18430 to 18436
definition	18100
plumbing	18460, 18461
prohibited uses and sanitation	18462 to 18464
registers	18480

	Section
AUTO CAMPS, TRAILER CAMPS, AND TRAILER COACHES—Continued.	
camps, trailer—	
accommodations limited to number of individual camp sites	18626
caretakers	18712
definition	18102
garbage and rubbish disposal	18680 to 18685
maintenance and sanitation	18710 to 18712
sites	18103, 18625, 18626
water-closet, bathing, and plumbing facilities	18650 to 18659
coaches, trailer—	
definition	18101
requirements	18600
residence	18600
use, generally	18601, 18602
generally—	
definitions and scope	18100 to 18106
regulations: enforcement	18200 to 18202
violations of regulations	18800 to 18802

AVIARIES.

definition	2100
inspection by state department of public health	2102, 2103
parrakeets, sale of	2103
quarantine	2105
registration, certificates of	2101, 2104

B

BAKERIES: construction	17255
------------------------	-------

BASEMENTS: housing act provisions	15005, 15901 to 15904
-----------------------------------	-----------------------

BATHING. See also SWIMMING POOLS, SWIMMING RESORTS, ETC.

life saving devices: violations of regulations	24004
pollution of water supplies	4455

BATHTUBS AND SHOWERS.

buildings	17530 to 17553
trailer camps	18654 to 18656

BEDDING, BEDS, LINENS, ETC.

apartment houses and hotels	17813, 17814, 19400 to 19500
dormitories	17154, 17155
health menaces, destruction of, by state department	2523
towels, common	3800 to 3803

BEER. See ALCOHOLIC BEVERAGES; FOODS.

REQUESTS. See also GIFTS.

cemeteries: perpetual care	8735, 8737
clinics, charitable	1204

BEVERAGES. See also ALCOHOLIC BEVERAGES.

carbonated: labeling	26495
public health department powers and duties re	202

BIDS.

fire protection district, metropolitan, contracts	14366 to 14368
garbage disposal district contracts	4121
garbage disposal franchises	4200 to 4204
sanitary district (act of 1891) contracts	5621 to 5623
sanitary district (act of 1919) contracts	5983, 5984
sanitation district, county, contracts	4756, 4757
sewer district, municipal, (act of 1911) contracts	4627 to 4632
sewer revenue bonds: construction work of districts issuing	5012 to 5018

BIOLOGICS.

Section

definition	1601
laboratories—	
licensing	1605, 1607 to 1620
rules and regulations	1604, 1606
public health department powers and duties re	204
preparation	1605
sale and distribution	1602
storage	1603
transportation	1603
violations	1618 to 1621

BIRDS. See AVIARIES.

BIRTH CERTIFICATES. See BIRTH REGISTRATION.

BIRTH REGISTRATION. See also VITAL STATISTICS; VITAL STATISTICS, STATE REGISTRAR OF.

adopted children	10250 to 10254
birth certificates—	
contents	10200
general rules	10001
incomplete certificates, duty of local registrar re	10201
duty of registering—	
generally	10175 to 10182
who has	10178 to 10180
general provisions	10150
legitimated children	10275 to 10279
stillborn children	10325 to 10330
unknown children—	
certificate of finding	10301 to 10305
identification, later	10305
generally	10300 to 10305
naming	10303
unnamed children	10225

BOILERS. See TANKS AND BOILERS.

BONDS, INDEMNITY.

drugs: relabeling and reprocessing upon court order	26368, 26369
fireworks, public display of	12508
foods: correction of adulteration or misbranding upon court order	26588, 26589
garbage disposal franchises, county: successful bidders	4202
narcotic nuisance abatement proceedings—	
injunctions, temporary	11784
release of property	11796
sanitary districts (act of 1891): annexation election costs	5843, 5844, 5851
sanitary districts (act of 1919): annexation election costs	6328, 6329, 6336
sanitary districts (act of 1923): annexation election costs	6842
sewer districts, municipal (act of 1911)—	
bidders	4628, 4631
contractors	4631, 4632
sewer revenue bonds: contractors for districts issuing	5018, 5020 to 5022

BONDS, INVESTMENT. See REVENUE BONDS; SEWER REVENUE BONDS; and for bonds of particular districts, see names of districts (e. g. SANITATION DISTRICTS, COUNTY).

BONDS, OFFICIAL.

district attorneys: sanitary districts (act of 1919), duties re	6248
fire companies' secretaries (unincorporated towns)	14838
judges' or magistrates' bonds, liability of, re narcotic violation fines or forfeitures	11687
public health board employees	110
public health, state director of	108
sewer revenue bonds, treasurers of districts issuing	5034
tax collectors, county—	
sanitary districts (act of 1891), duties re	5787
sanitary districts (act of 1919), duties re	6252
sanitary districts (act of 1923), duties re	6767
treasurers, county—	
sanitary districts (act of 1891) duties re	5828
sanitary districts (act of 1919), duties re	6294
sanitary districts (act of 1923), duties re	6799

BOUNDARIES.

cemetery districts, public—		
annexations	9025 to	9054
formation	8901, 8912, 8925, 8926,	8931
withdrawals	9075 to	9078
fire protection districts, county—		
annexations	14510 to	14515
consolidations	14525 to	14531
dissolution	14580 to	14591
formation	14415, 14418, 14426,	14427
withdrawals upon inclusion in city	14540 to	14549
withdrawals upon petition	14560 to	14568
fire protection districts (in one or more counties)—		
dissolution, generally	14760 to	14766
dissolution when area incorporated	14800 to	14804
exclusions when area incorporated	14810 to	14812
formation	14600, 14610, 14611, 14615, 14619, 14620,	14623
inclusion of territory by election	14735 to	14750
inclusion of territory by petition	14720 to	14728
recording	14815,	14816
fire protection districts in unincorporated areas—		
formation		14029
reorganization	14300 to	14314
fire protection districts, metropolitan: formation	14331, 14340 to	14344
garbage disposal districts—		
annexations	4135 to	4139
dissolution	4160 to	4163
formation	4105 to	4112
withdrawals	4143 to	4147
health districts, local—		
annexations	958 to	964
dissolution	967 to	970
formation	900 to	922
mosquito abatement districts—		
annexations	2330 to	2343
consolidations	2360 to	2375
dissolution	2390 to	2398
formation	2210 to	2224
municipal sewer districts (act of 1899): formation	4660,	4661
municipal sewer districts (act of 1911): formation	4605 to	4612
pest abatement districts—		
annexations		2900
dissolution	2920 to	2922
formation	2822 to	2832
police protection districts (unincorporated territory)—		
formation	20310 to	20317
police protection districts (unincorporated towns)—		
dissolution	20130 to	20143
formation	20025 to	20037
sanitary districts (act of 1891)—		
annexations	5840 to	5855
dissolution	5860 to	5867
formation	5520 to	5546
sanitary districts (act of 1919)—		
annexations	6325 to	6337
dissolution	6340 to	6347
reorganizations	6305 to	6314
sanitary districts (act of 1923)—		
annexations	6830 to	6881
dissolution	6900 to	6907.5
formation	6420 to	6466
reorganizations	6810 to	6819
sanitary districts, county—		
annexations	4830 to	4832
dissolution	4850 to	4856
formation	4710 to	4718
withdrawals of cities	4845.05 to	4845.13
withdrawals of unincorporated territory	4845.20 to	4845.28
sewer districts (act of 1899)	4660,	4661

BOUNDARIES—Continued.

Section

sewer maintenance districts—		
annexations	4895 to	4903
dissolutions	4915 to	4926
exclusions	4905 to	4911
formation	4870 to	4878
sewer revenue bonds: sewer work areas		4974
vital statistics registration districts		10052

BRANDING. See DRUGS; FOODS.

BUDGETS

cemetery districts, public	8970 to	8973
fire protection districts (in one or more counties)		14700
fire protection districts, metropolitan		14355
mosquito abatement districts	2290, 2300,	2301
police protection districts (unincorporated towns)		20108
sanitary districts (1923)		6785
sanitation districts, county	4810,	4815
tuberculosis hospitals maintained by group of counties		3308

BUILDING MATERIALS: housing act provisions. 17252

BUILDINGS. See also EARTHQUAKE PROTECTION; HOUSING ACT, STATE; PLUMBERS, PLUMBING, ETC.

clothes cleaning establishments	13350 to	13388
fire inspection		13109
rodent inspection	1804 to	1806
sewerage system connections and discontinuance of cesspool use		5009

C

CALCIMINING. See PAINTING, CALCIMINING, PLASTERING, ETC.

CAMPS. See AUTO CAMPS, TRAILER CAMPS, AND TRAILER COACHES.

CASKET SELLERS. See also FUNERAL DIRECTORS.

records to be kept		10010
regulations re sales	10010,	10011

CEILINGS.

apartment houses and hotels	16056, 17265, 17804, 17806,	17807
auto camps		18403
bakeries and places where fat is boiled		17255
boiler rooms		16952
buildings, generally	16058,	16059
dormitories		17153
dwellings		16057
garages	17021, 17042,	17061
semifireproof buildings	17303,	17304
wooden buildings		17324

CEMETERIES. See also CEMETERY DISTRICTS, PUBLIC; DEAD BODIES; MAUSOLEUMS AND COLUMBARIUMS.

cemetery associations	8250 to 8253, 8800 to	8806
"cemetery authority" defined		7018
cremated remains, actions against cemetery authorities re		7112
generally—		
definitions	7000 to 7024,	8100
records	8110 to	8112
liability re authorized interments		7111
nonperpetual care cemeteries—		
definition		8739
sign to be posted in office		8743
stationery, contracts, statement headings, etc.		8740

CEMETERIES—Continued.

Section

perpetual care cemeteries—		
definition	8738,	8740
deposits from initial sales into perpetual care fund		8738
funds, investment of	8750,	8751
reports	8742,	8745
sign to be posted in office	8741,	8745
signs designating nonperpetual care sections		8740
stationery, contracts, statement headings, etc., re any nonperpetual care sections		8740
“plot owner,” defined		7023
private—		
associations	8250 to 8253, 8800 to	8800
care, perpetual and special—		
active cemeteries	8725 to	8737
old cemeteries: proceedings re care, alteration, replatting, etc.	8700 to	8715
special care	8775,	8776
contract limitations	8350,	8351
crematories, operation of	8340,	8341
dedication, removal of	7906, 8580,	8581
funds—		
attachment, execution, and garnishment, exemption from		7925
perpetual care	8701, 8712, 8725 to 8742, 8746,	8750, 8751
special care	8725,	8734
use of	7925 to	7933
officers, restrictions on	8360 to	8362
operation and management, generally		8275
plots, property rights in—		
descent	8603,	8604
family interment plots	8650 to	8653
generally	8600 to	8605
husband and wife	8601 to	8604
inalienability, voluntary establishment of		8680
inheritance taxes, exemption from		8604
interment, vested right of	8675,	8676
joint tenants	8625 to	8629
ownership, presumption of		8600
transfer. See also subheading, <i>plots, sale of</i> , below		8331
will, disposal by	8603,	8604
plots, sale of—		
conveyances, signing of		8572
generally	8570 to	8572
restrictions re use	8570,	8571
transfer ineffective until recorded in cemetery books		8331
police power		8325
property, acquisition, dedication and sale of—		
acquisition		8500
declaration of intention	8525,	8526
dedication	8550 to	8561
records: information re bodies received, interment, ownership and transfer of plots, etc.	8330,	8331
restrictions re plots	8570,	8571
rules and regulations	8300 to	8309
sextons, police power of		8325
trustees of perpetual care funds	8731 to 8734,	8751
public—		
dedication, removal of		7906
fraternal or beneficial association, ownership and management by		
generally	8129, 8132,	8133
management, regulations, etc.	8125 to	8133
records	8129 to	8128
sextons and other officers		8133
title to land acquired by city after five years' use		8126
title to land acquired by city by purchase, or gift		8127
records: disinterment and removal of remains		7500
reports: names of persons interred to county board of health or health officer or county recorder		7408

Section

CEMETERY DISTRICTS. PUBLIC. See also CEMETERIES; DEAD BODIES; MAUSOLEUMS AND COLUMBARIUMS.

annexation of territory—

notice and hearing-----9050 to 9054

petition-----9025 to 9027

definitions and general provisions-----8890 to 8892

formation—

boundaries-----8901, 8912, 8925, 8926, 8931

hearing-----8920 to 8926

notice of hearing-----8910 to 8912

petition-----8900 to 8903

protest and election-----8930 to 8941

funds—

generally-----8982 to 8985

perpetual care-----9000 to 9005

government-----8950 to 8952

powers-----8960 to 8964

taxation and finance-----8970 to 8985

trustees-----8950 to 8952, 8964, 8990, 9000, 9002 to 9005

withdrawal of territory-----9075 to 9078

CERTIFICATES. See also BIRTH REGISTRATION; DEAD BODIES; DEATH REGISTRATION; LICENSES, PERMITS, ETC.; MARRIAGE REGISTRATION; VITAL STATISTICS.

children, physically handicapped, services to-----254 to 256

drugs—

hearings re adulteration or misbranding: certificates of facts found-----26342

examinations by state division of laboratories-----26337, 26339, 26340

reports by chief of bureau of food and drug inspection to state board of public health-----26338 to 26340

fire companies in unincorporated towns: exemption certificates of officers and members-----14839, 14840, 14856 to 14860

foods—

bureau of food and drug inspections, chief of: certificates of findings re adulteration, misbranding, etc.-----26561, 26563

laboratory, state: certificates of findings re adulteration, misbranding, etc.-----26561, 26563

narcotic convictions of aliens, certificates of court recommending deportation upon-----11715.5

CESSPOOLS. See also PRIVIES; TOILETS; SEWERS.

construction-----5420

public nuisances: authority of districts issuing sewer revenue bonds to declare-----5009

CHEWING GUM. See FOODS.

CHILD HYGIENE, STATE BUREAU OF.

chief: appointment and qualifications-----301

organization, powers, duties, etc.-----300, 302 to 304

CHILDREN. See MINORS.

CIGARETTES, CIGARS, ETC.

throwing lighted cigarette or cigar from moving vehicle-----13001

throwing or placing lighted cigarette or cigar where fire may start-----13000

CIVIL SERVICE COMMISSIONS, COUNTY: fire protection district services-----14447 to 14450

CLAIMS.

against division of narcotic enforcement-----11106

against state clinic and dispensary fund-----1243

funeral expenses and costs of memorial against decedent's estate-----7101

municipal sewer districts (act of 1911): claims re sewer work or improvements: applicability of public works contractors' bond law-----4636.7

public health department against county for services to physically handicapped children-----257 to 258

CLEANING. See DISINFECTION, CLEANING, ETC.; CLOTHES CLEANING ESTABLISHMENTS.

CLERKS, CITY: vital statistics local registrars, when to act as-----10100

		Section
CLERKS, COUNTY: fire companies in unincorporated towns: certificates of exemptions, issuance of, to officers and members-----		14859
CLINICS AND DISPENSARIES.		
applicability of provisions-----	1213 to	1215
charitable clinics-----		
definition-----		1204
purposes-----		1209
who may operate-----		1209
definitions and general provisions-----	1200 to	1203
employers' clinics-----		
definition-----		1206
profit, not to be operated for-----		1211
who may operate-----		1210
governmental clinics: definition-----		1208
permits to operate-----		
fee, annual-----		1240
generally-----	1218 to	1228
public display-----		1232
revocation-----	1227 to	1228
private pay clinics-----		
definition-----		1207
who may operate-----		1212
reports to state board-----		1233
rules and regulations by state board-----		1231
state board annual reports-----	1234 to	1235
teaching and research clinics-----		
definition-----		1205
purposes-----		1209
who may operate-----		1209
CLOTHES CLEANING ESTABLISHMENTS. See also SPOTTING, SPONGING, AND PRESSING ESTABLISHMENTS.		
administration by state fire marshal-----	13250 to	13254
buildings, construction requirements re-----	13350 to	13378
definitions-----	13201 to	13219
equipment, etc.-----	13379 to	13404
licenses-----	13300 to	13324
operation, etc.-----	13379 to	13404
violations of provisions-----	13450 to	13454
COLUMBARIUMS. See MAUSOLEUMS AD COLUMBARIUMS.		
COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES. See also QUARANTINE OF DISEASES; RABIES; TUBER- CULOSIS.		
bacteriological and chemical laboratories, municipal and county-----	1000 to	1002
dead bodies-----		
regulations of state department of public health-----		7050
embalming and transporting-----	7050, 7303, 7350 to	7354
prevention: special sanitary tax receipts, use for-----		850
public health department investigation of causes of-----		200
railway inspections-----	1700 to	1703
reportable diseases-----	2569, 2571,	2574
sanitary districts (1891), powers re-----		5600
COMMON CARRIERS. See also RAILROADS; TRANSPORTATION.		
dead bodies, transportation of. See DEAD BODIES.		
explosives, transportation of-----	12300 to	12303
COMPENSATION, SALARIES, WAGES, ETC.		
cemeteries, private, trustees of-----		8733
civil service commissions and departments, county: fire protection district services-----		14448
dentists and dental hygienists-----		
city-----		701
county-----		703
fire marshal, state-----		13101
fire protection districts, county-----		
commissioners-----	14453, 14455.1,	14455.2
employees-----		14455.6
fire protection districts in unincorporated areas: commissioners-----		14055

COMPENSATION, SALARIES, WAGES, ETC.—Continued.

	Section
food and drug inspections, bureau of, employees of	26559
health districts, local, board members of	930
health officers—	
county	451.5, 454
local health districts	940, 942
unincorporated towns	493
mosquito abatement districts—	
board members	2248
board secretary	2249
narcotic enforcement, state division of—	
chief	11101
employees	11103
special counsel	11680
pest abatement district trustees	2851
police protection districts (unincorporated towns)—	
commissioners	20069
employees	20071
public cemetery district trustees	8952
public health nurses—	
city	601
county	603
public health, state board of—	
employees	110
members	105
public health, state director of	107
sanitary districts (act of 1891)—	
assessor	5576
board members	5568
sanitary districts (act of 1919)—	
board members	5960
secretary	5961
sanitary districts (act of 1923)—	
assessor	6496
board members	6489
board secretary	6489
sanitation districts, county, directors of	4733
sewer revenue bonds: employees of districts issuing	5005, 5026
sheriffs: food violation services	26602
treasurers, county—	
fire protection districts in unincorporated areas, duties re	14158
police protection districts (unincorporated towns), duties re	20113
vital statistics registrars, local	10650 to 10654

CONFECTIONERY. See FOODS.

CONSTRUCTION, BUILDING. See AUTO CAMPS, TRAILER CAMPS, TRAILER COACHES; EARTHQUAKE PROTECTION; HOUSING ACT, STATE.

CONSTRUCTION OF CODE PROVISIONS. See also STATUTES.

air space in sleeping rooms	19000
auto camps, trailer camps, trailer coaches—	
auto camps: plumbing, use, and sanitation	18463
definitions and scope	18105, 18106
bedding and sanitation, hotel	19000
cemeteries, private	8250, 8251
cemetery districts, public	9100
clinics and dispensaries	1213 to 1215
clothes cleaning establishments	13201
dead bodies—	
cremated remains, limitation on action against cemetery authorities re	7112
disinterment and removal of: consent to removal	7528
drugs and devices—	
advertising	26274
misbranding	26240
new drugs	26292
selling	26213
violations, administration re	26332
earthquake protection	19000, 19100
exit and stairway signs in hotels	19000

CONSTRUCTION OF CODE PROVISIONS—Continued.

Section

explosives—		
generally	12002,	12003
magazines of the first class		12175
sales records		12100
storage	12152,	12153
fire protection districts, county—		
civil service		14451
generally		14405
fire protection districts (in one or more counties)		14603
fire protection districts in unincorporated areas	14003,	14004
fire protection districts, metropolitan		14375
fireworks	12504 to	12506
foods—		
administration	26555,	26557
adulteration		26472
advertising		26501.1
exportation, foods prepared for		26512
general provisions	26459,	26461,
local administration	26616,	26623
misbranding	26495,	26496
violations, administration re		26555
gas illumination in rented rooms		19000
generally	2 to	24
health districts, local, powers of		936
interment, costs of		7101
maternity hospital provisions re authority of social welfare department		1411
mausoleums and columbariums: penalties for violations of provisions re		9677
mosquito abatement districts		2203
narcotics—		
division of narcotic enforcement		11107
hypodermics		11479
marihuana		11531
prescriptions	11166.12,	11200
navigable waters, pollution of		4404
police protection districts (unincorporated towns)—		
county or county officer		20004
elections		20005
taxes		20005
sanitary districts (act of 1891): repeal, effect of		6406
sanitary districts (act of 1919): repeal, effect of		6406
sanitary districts (act of 1923)—		
reorganization	6817 to	6819
reorganization of other sanitary districts under provisions of act of 1923		6406
sewers for annexed territory		6661
sanitation districts, county: bond issuance		4799
separate sewer district law (Stats. 1909, Ch. 673), effect of repeal of		5475
sewage disposal		5438
sewer districts, municipal (act of 1911)		4602
sewer maintenance districts		4864
sewer revenue bonds—		
bond provisions		4994
general provisions		4960
referendum		4959
sleeping rooms, air space in		19000
spotting, sponging and pressing establishments		13501
tanks and boilers	24203 to	24206
vandalism		8103
vital statistics penalties		10674

CONTAGIOUS DISEASES. See COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES; see also QUARANTINE OF DISEASES; TUBERCULOSIS.

CONTAINERS. See DRUGS; FOODS; GARBAGE.

CONTEMPT OF COURT: narcotic nuisances, violation or disobedience of injunction against or order for abatement of 11790

CONTRACTS.

cemeteries—		
contract limitations	8350,	8351
cremated remains, care of		7112
lands, agreements to sell		7903
perpetual care		8730

CONTRACTS—Continued.

	Section
cities with county supervisors re health officer, for emergencies-----	478
convalescent colony, state, leases of lands by-----	24385
counties re group tuberculosis hospitals-----	3305
fire protection districts, county-----	14455.5
fire protection districts (in one or more counties)-----	14682
fire protection districts in unincorporated areas-----	14074
fire protection districts, metropolitan-----	14365 to 14368
garbage disposal districts-----	4121
health administration, local—	
between counties and cities-----	480 to 484, 486
between counties and county superintendents of schools-----	485
mosquito abatement districts with owners re compensation for damages-----	2270
municipal sewer district (act of 1911): applicability of public works contractors' bond law-----	4636.7
narcotic sales without prescriptions-----	11574 to 11576
pest abatement districts with owners re property damaged-----	2853
police protection districts (unincorporated towns)-----	20077
public health, state department of, re services to physically handicapped children-----	259, 261
sanitary districts (act of 1891)-----	5566, 5594, 5610, 5621 to 5623
sanitary districts (act of 1919)-----	5958, 5983, 5984, 5986, 6005, 6345
sanitation districts, county—	
generally-----	4755, 4756
joint operations-----	4840 to 4842
with cities or public agencies in the district-----	4761
with other governmental agencies-----	4760
sewer districts, municipal (act of 1911)-----	4627 to 4633, 4635, 4636
sewer maintenance agreements between municipal corporations and sanitary districts (act of 1923)-----	6530
sewer maintenance districts-----	4887, 4902, 4903, 4926
sewer revenue bonds, districts issuing—	
construction contracts-----	5010 to 5022
contracts with Reconstruction Finance Corporation or other United States fiscal agency-----	5008
leases of districts with other governmental agencies for use of works-----	5060 to 5063
spotting, sponging, and pressing establishments re motor vehicle operation-----	13653
tuberculosis hospitals, county agreements re-----	3305

CONTROLLER, STATE. See also APPROPRIATIONS; FUNDS—state.

fire hazards on state property-----	13104.6
narcotic violation fines and imprisonments, records and reports of, duties re-----	11685, 11686

CONVALESCENT COLONIES, COUNTY OR CITY. See TUBERCULOSIS.

CONVALESCENT COLONY, STATE.

board, convalescent colony—	
land and contributions, acceptance of gifts of-----	24381 to 24383
membership-----	24380
gifts, acceptance of-----	24381 to 24383
lands—	
gifts of-----	24381 to 24383
leases of-----	24385
products, sale of-----	24385
use, persons entitled to-----	24384

COOKING: room use for-----	17700, 17701, 18462
----------------------------	---------------------

CORN REMEDIES: allowed hemp extract content-----	11531
--	-------

CORONERS. See also CEMETERIES; DEAD BODIES.

accidental, suicidal, or homicidal deaths-----	10425, 10427 to 10429
burials, where no person having duty of within state-----	7104
dead bodies, custody of, when entitled to-----	7102
dead bodies, removals of, to out of state points: certificate to accompany permit-----	7552
death certificates, when duty to make-----	10425
deaths during continued absence of attending physician, duties re-----	10425, 10427 to 10429
deaths from unknown causes, duties re-----	10425, 10427 to 10429

CORONERS—Continued.

Section

deaths without medical attendance, duties re.....	10425, 10427 to	10429
disinterment and removal of bodies, orders for.....		7528
indigents, burial of.....		7104
unknown persons, duty on identification of bodies of.....		10500

CORPSES. See DEAD BODIES.

COSMETICS: laboratory, state, for analyses and examinations.....	26558
--	-------

COSTS, COURT.

drugs—		
adulteration or misbranding hearings.....	26367	
condemnation proceedings.....	26367	
explosives: actions for forfeitures.....	12305	
fire nuisances, abatement of—		
clothes cleaning establishments.....	13253	
spotting, sponging and pressing establishments.....	13553	
foods, condemnation proceedings re.....	26587, 26588	
housing act enforcement proceedings.....	15294	
mausoleums and columbariums, violation prosecutions.....	9675, 9676	
narcotic nuisance abatement proceedings.....	11788, 11789, 11794 to	11796

COUNTIES. See also DISTRICT ATTORNEYS; FUNDS; ORDINANCES; and for powers, duties, etc., in connection with particular districts, see names of districts (e.g. FIRE PROTECTION DISTRICTS, COUNTY).

burial and removal permits: reports by board of health or health officer of names of persons on permits issued outside county.....	7409
cemeteries, public. See CEMETERIES.	
charges—	
excavations, abandoned, cost of covering or fencing.....	24402
fire extinguishment services extended by other governmental agencies....	13054
physically handicapped children, expenditures for services to, under certificates.....	257
rodent eradication.....	1807, 1917
sheriffs' fee and compensation for drug administration enforcement.....	26383
tuberculosis hospital central committee delegates' expenses.....	3302
civil service commissions: fire protection district services.....	14447 to 14450
convalescent colonies, tuberculosis.....	3325, 3326, 3340 to 3342
dentists and dental hygienists: employment, qualifications, etc.....	702 to 703
earthquake protection. See EARTHQUAKE PROTECTION.	
excavations, abandoned, on unoccupied public lands.....	24401, 24402
fire hazards, state property, requests for abatement of.....	13104.5
fire protection districts in unincorporated areas: use of property reverting upon dissolution.....	14291
fireworks. See FIREWORKS.	
garbage disposal franchises.....	4200 to 4204
health administration—	
contracts with cities.....	480 to 484, 486
contracts with superintendents of schools.....	485
generally.....	450 to 456
contracts—	
with cities.....	480 to 484, 486
with superintendents of schools.....	485
unincorporated towns.....	491 to 493
health officers.....	451 to 456, 476 to 478
housing. See HOUSING ACT, STATE.	
laboratories, bacteriological and chemical: establishment and maintenance	1001
physically handicapped children, services for.....	257, 258, 268 to 270
power boats, regulations re.....	24151
police protection: funds.....	20143
public health nurses, employment of.....	602, 603
rodent eradication.....	1804 to 1808
sewer revenue bonds. See SEWER REVENUE BONDS.	
supervisors—	
audit of sheriff's fees and expenditures for drug enforcement duties....	26383
cemeteries, public, powers and duties re.....	8125, 8131, 8133
explosives, gunpowder, etc., rules and regulations re.....	851
fire protection districts, county: powers re formation.....	14410
fire protection districts in unincorporated area: commissioners, appointment of.....	14050

COUNTIES—Continued.

	Section
health districts, local, appointment of boards of-----	926, 927
health officers, appointment of-----	451
health officers for unincorporated towns, appointment of-----	491
mosquito abatement district consolidations, duties re-----	2367
pest abatement district dissolutions, duties re-----	2921
public health, powers and duties re-----	450, 451
sanitary districts (act of 1891)—	
annexations, duties re-----	5847, 5849
dissolution, duties re-----	5863 to 5867
sanitary districts (act of 1919)—	
annexations, duties re-----	6332, 6334
dissolution, duties re-----	6343 to 6347
sanitary districts (act of 1923)—	
annexations, duties re-----	6880, 6881
levy of taxes-----	6781, 6787
sanitary tax, special-----	850
sanitation districts (county), dissolved, duties re-----	4855
sewer district (act of 1899) formations, duties re-----	4660, 4661
weeds, declaring of, as seasonal and recurrent-----	14900.5
tuberculosis preventoria, establishment and maintenance of-----	3099 to 3101
tuberculosis wards or hospitals, establishment and maintenance of-----	3300 to 3309
vital statistics administration-----	10052, 10100, 10101, 10103, 10104
weeds. See WEEDS.	

COUNTY FIRE PROTECTION DISTRICTS. See FIRE PROTECTION DISTRICTS, COUNTY.

COUNTY SANITATION DISTRICTS. See SANITATION DISTRICTS, COUNTY.

COURTS, COURTYARDS, ETC. See YARDS AND COURTS; see also HOUSING ACT, STATE.

COURTS OF LAW. See JUDGES AND JUSTICES.

CREMATORIES: operation, generally-----8340, 8341

CRIMES. See also PENALTIES, FINES, ETC.

felonies—

boilers, steam—

mismanagement causing accident endangering human life-----	24300
mismanagement causing accident resulting in human death-----	24301
dead bodies, mutilation, disinterment or removal of, without authority--	7052
dead bodies, removal of, for sale or dissection-----	7051

explosives—

intimidating or endangering any human being recklessly or maliciously	12352
public places, exploding or attempting to explode at or near-----	12354
public places, possessing in or near-----	12352
transporting on common carriers-----	12302
unlawfully possessing, knowingly-----	12353

narcotics—

minors, employment of or use in unlawfully transporting, selling, etc.--	11714
possession of narcotics, opium pipes, etc-----	11712
prescriptions, forging or altering; issuing, using or possessing such	
prescriptions-----	11715
resorts, maintenance of-----	11711
transporting, selling, furnishing, or giving away, or offering to trans-	
port, sell, etc-----	11713

misdemeanors—

alcoholic beverages: refusal to present or falsification of "dump sheets"--	26552
auto camp violations-----	18800 to 18802
aviaries provisions violations-----	2106
bedding and sanitation violations-----	19500
biologics, violations of provisions re-----	1618
cemeteries—	
nonperpetual care cemetery violations-----	8746
officers: unlawful loans, consent to, receipt of, etc-----	8360
perpetual care cemetery violations-----	8746
perpetual care funds, misrepresentations re-----	8780
clinics and dispensaries, operation without permit or in violation of rules	
and regulations-----	1251

CRIMES—Continued.

Section

misdemeanors—continued.

clothes cleaning establishments—	
aiding or abetting violations of provisions re-----	13452
violations of provisions-----	13450, 13451
cups, common drinking, sanitary violations re-----	3704
dead bodies—	
arrest, attachment or detention-----	7053
disinterment and removal without permit-----	7556
disposal within corporate limits of any city, except in a cemetery----	7054
interment or incineration without permit-----	7055
interment within corporate limits of any city, except in a cemetery----	7054
removal of interred or cremated remains without permit-----	7055
transportation through streets or highways when disinterment without permit-----	7557
unclaimed dead: unlawful disposal, use or sale of-----	7208
drugs—	
importing or receiving adulterated or misbranded drugs-----	26281
refusal to sell to agent or officer-----	26335
violations, generally-----	26295
earthquake protection, violations of regulations re-----	19170
embalming violations-----	7303
excavations, abandoned—	
failure to cover or fence securely-----	24400
removal of covering or fencing-----	24403
explosives—	
discharge within five hundred feet of magazine or manufacturing plant	12401
sales records violations-----	12107, 12108
storage violations-----	12220
transportation violations, certain-----	12306
unauthorized entrance into place where stored or manufactured-----	12400
unlawfully making, keeping or transporting-----	12402
fire companies in unincorporated towns: issuance of certificate of exemp- tion to person not entitled thereto-----	14860
fire protection districts (in one or more counties): violations of ordi- nances-----	14688
fire protection districts (in unincorporated areas): violations of ordi- nances and personation of board members or officers-----	14087
fires—	
allowing to escape-----	13000
disobeying lawful orders of public officer or fireman at burning of a building-----	13006
dropping lighted cigarettes, ashes, etc., where fire may be started-----	13001
hindering extinguishment of fires-----	13006
operating machines near grain, etc., without spark and carbon arrest- ing device-----	13005
selling of nonstandard equipment-----	13028
throwing lighted cigarettes, ashes, etc., from moving vehicle-----	13002
using grain harvester without fire extinguishers-----	13004
using logging locomotive, threshing machine, etc., without spark arrester-----	13003
violating laws, orders, etc.-----	13112
fireworks violations-----	12513
foods—	
importing adulterated or misbranded foods-----	26511
refusal to sell to or concealment from officer-----	26550
violations, generally-----	26519
garbage and refuse, placing upon public places or private property----	4475
gas illumination violations-----	19600
health, public, failure to perform duty re preservation of-----	24800
housing act violations-----	17900 to 17902
ice for human use or consumption—	
inspection violations-----	4004
pollution and sale violations-----	4005
life saving device violations-----	24004
marriage registration, failure of officer or person to perform duties re--	10536
maternity hospitals, operation of, without permit-----	1403, 1410
mausoleums and columbariums—	
owning or operating when illegally constructed-----	9676
violations, generally-----	9675

CRIMES—Continued.	Section
misdemeanors—continued.	
narcotics—	
addict treatment violations	11396
addiction	11721
examination of patients by state division, violations re	11104
injunctions or orders for abatement of narcotic nuisances, disobedience to or violation of	11790
medical use other than treatment of addicts, violations re	11332
opium pipes, possession of	11555
physicians' reports, violations re	11425
preparations of hemp or loco weed, possession of	11531
prescriber's records, violations re	11127
prescription violations	11178
visitation of narcotic premises	11710
packing materials, unsanitary, packing with for delivery or transportation	3753
plumbing regulations violations	811
pollution of navigable waters: vessels loaded with garbage	4401, 4402
pollution of public places and private property	4485
pollution of water supplies	4457
power boat speeding	24150
quarantine of diseases—	
exposure of person afflicted, by self or other person	2601
rules and regulations of state department, violations of	2600
violations, generally	2602
rabies control provisions, possessing animals in violation of	1909
refuse cremation violations	4302, 4303
rodent eradication violations	1813
sanitary districts (act of 1891), violations of regulations and ordinances of	5602
sanitary districts (act of 1919), violations of regulations or ordinances of	5994
sanitary districts (act of 1923), violations of regulations or ordinances of	6523
sewage disposal violations	5463, 5464
spotting, sponging and pressing establishments—	
aiding or abetting in violations of provisions	13727
violations of provisions	13725, 13726
swimming pool sanitation violations	24108, 24109
tanks and boilers, operating without permit	24250
towels, common, sanitary violations re	3803
trailer camp violations	18800 to 18802
trailer coach violations	18800 to 18802
vandalism	8101
ventilation, fan exhaust system of, failure to maintain properly	16235, 16271
vessel loaded with garbage for disposal, failing to carry inspector on	4403
vital statistics—	
altering or falsifying records	10674, 10676, 10679
failure, neglect or refusal to perform duties	10674, 10677 to 10679
refusal or failure to give information; furnishing false information	10674, 10675, 10679
water supplies, pollution of	4457
water supplies, washing clothes in	4456
wiping rag business violations	3960
punishment of, public health department duties re	202
CUPS, COMMON DRINKING.	
sanitary provisions—	
"common use" defined	3701
containers for drinking water, regulations re	3702
enforcement	3703
places subject to	3700
violations	3704
trailer camps	18659
D	
DAMAGES. See also PENALTIES, FINES, ETC.	
cemetery plot owner, vacation of plot of	8714
funeral directors, liability of, for cremated remains	7112
interment, breach of warranty re authorization for	7110
mosquito abatement districts	2270
narcotic nuisance abatement proceedings	11784

DAMAGES—Continued.

Section

pest abatement districts.....	2853
quarantine: compensation for property destroyed.....	2558
vandalism, recovery of damages for.....	8102

DEAD BODIES. See also CASKET SELLERS; CEMETERIES; CEMETERY DISTRICTS, PUBLIC; CORONERS; DEATH REGISTRATION; FUNERAL DIRECTORS; MAUSOLEUMS AND COLUMBARIUMS.

burial and removal permits—

generally.....	7400 to	7412
infectious, contagious or communicable diseases, deaths from.....		7404
inspection of bodies by state department of public health.....		7400
issuance by local registrars.....	7401,	7405

“burial” defined.....		7013
-----------------------	--	------

costs of interment, liability for.....	7100, 7101,	7104
--	-------------	------

custody, and duty of interment—

authorization for interment.....		7111
cemetery authorities, liability of, re authorized interment.....		7111
coroner, when entitled to custody.....		7102
costs of interment, liability of decedent's estate for.....		7101

court order directing where failure, refusal, neglect, or no person residing in state vested with duty.....		7105
---	--	------

failure to perform duty of interment.....	7103,	7105
---	-------	------

family plot and memorial, as part of funeral expenses chargeable against decedent's estate.....		7101
---	--	------

generally.....	7100 to	7112
----------------	---------	------

indigents, responsibility for interment of.....		7104
---	--	------

“interment” defined.....		7009
--------------------------	--	------

who has.....	7100,	7104
--------------	-------	------

definitions.....	7000 to	7024
------------------	---------	------

disinterment and removal—

all remains—

cities and cities and counties over 100,000—

cemetery authorities, removal by.....	7850 to	7852
---------------------------------------	---------	------

declarations of intention by cemetery authorities.....	7725,	7726
--	-------	------

funds, use of.....	7925 to	7933
--------------------	---------	------

lands, disposal of.....	7900 to	7905
-------------------------	---------	------

lands, reservation of, for erection of, mausoleum or columbarium, etc.....		7905
--	--	------

notices of intention.....	7735 to	7739
---------------------------	---------	------

notices, special, to relatives or friends.....	7750 to	7754
--	---------	------

powers of municipalities.....	7700,	7701
-------------------------------	-------	------

reinterment: new lands, mausoleums or columbariums for.....	7950 to	7955
---	---------	------

relatives or friends, removals by.....	7800 to 7805,	7928
--	---------------	------

religious observances.....		7980
----------------------------	--	------

taxation for reinterment.....		7975
-------------------------------	--	------

cities of 1,500-100,000.....		7600
------------------------------	--	------

application to superior court for permission in absence of required consent.....	7526,	7527
--	-------	------

consent to removal.....	7525 to	7528
-------------------------	---------	------

order of court or coroner.....		7528
--------------------------------	--	------

out of state points, removals to.....	7550 to	7559
---------------------------------------	---------	------

permits, generally.....	7500 to 7502, 7551 to 7555,	7558
-------------------------	-----------------------------	------

same cemetery.....		7528
--------------------	--	------

unpaid plot, removal from, by cemetery authorities.....		7528
---	--	------

embalming—

contagious, infectious, or communicable diseases, bodies dead from.....		7303
---	--	------

crimes, bodies of apparent victims of.....		7301
--	--	------

transportation, preparation of bodies for.....	7303, 7350, 7351, 7353 to	7355
--	---------------------------	------

unknown causes, bodies of persons dying from.....		7300
---	--	------

general provisions.....	7050 to	7055
-------------------------	---------	------

interment. See subheading, *custody, and duty of interment*, above.

quarantine of diseases: possession or control by state department of public health.....		2524
---	--	------

transportation of bodies—

generally.....	7350 to	7355
----------------	---------	------

persons or articles accompanying body, disinfection of.....		7353
---	--	------

preparation of bodies.....	7353 to	7355
----------------------------	---------	------

prohibited transportation.....	7352,	7357
--------------------------------	-------	------

yellow paster, requirement of.....		7350
------------------------------------	--	------

DEAD BODIES—Continued.

Section

unclaimed dead—	
burial of body becoming unfit for educational purposes.....	7207
educational purposes, use for.....	7202 to 7204, 7206, 7207
institutions, public, duties re notice to relatives and to state department..	7200
medical history, transmission of, to state department.....	7201
post mortem examinations.....	7205, 7206
records, permanent—	
educational purposes, receipt for.....	7204
state department of public health.....	7201
unlawful disposal or use of body.....	7208

DEATH CERTIFICATES. See DEATH REGISTRATION.

DEATH REGISTRATION. See also VITAL STATISTICS; VITAL STATISTICS, STATE REGISTRAR OF.

burial and removal permits, issuance and use of.....	10475 to 10477
death certificates—	
accidental, suicidal, or homicidal deaths.....	10425 to 10429
authentication.....	10376
contents.....	10375
deaths during continued absence of attending physician.....	10425 to 10429
deaths from unknown causes.....	10425 to 10429
deaths without medical attendance.....	10425 to 10429
funeral directors, signatures on statements of facts re disposition of bodies by.....	10377
general rules.....	10001
unknown persons, procedure on identification of bodies of.....	10500, 10501
general provisions.....	10350
medical certificates—	
generally.....	10400 to 10405
physicians' duties re making, etc.....	10400 to 10405
unknown persons, procedure on identification of.....	10500, 10501

DENTAL HYGIENE, STATE BUREAU OF.

chief: appointment.....	351
organization, powers, duties, etc.....	350 to 354

DENTISTS AND DENTAL HYGIENISTS.

employment by—	
cities.....	700, 701
counties.....	702, 703
narcotic prescriptions.....	11161

DEPARTMENT OF ———. See subject (e.g. PUBLIC HEALTH, STATE DEPARTMENT OF).

DIMENSIONS. See also HOUSING ACT, STATE.

ceiling heights, auto camp.....	18403
cross-bridging: apartment and hotel wooden floor joists.....	17267
fireproofing materials on structural steel or iron.....	17282
floors, auto camp.....	18402
footings, foundations, joists, studding, girders, columns, etc.....	17256, 17321
foundation walls, wooden building.....	17322
gas appliance vents.....	16900 to 16904
hallways.....	16100, 16101
joist supports.....	17267
lumber.....	17268, 17269
plasterboard.....	17340, 17341
rooms, generally.....	16050 to 16063
studs used in apartment houses or hotel bearing walls.....	17260
trailer camps: individual camp sites.....	18625
vents, gas appliance.....	16900 to 16904
vent shafts.....	16823 to 16825, 16827, 16831
windows. See WINDOWS AND SKYLIGHTS.	
yards and courts. See YARDS AND COURTS.	

DIRECTOR OF ———. See subject (e.g. FINANCE, STATE DIRECTOR OF).

DISEASES. See COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES; QUARANTINE OF DISEASES; RABIES; TUBERCULOSIS.

DISINFECTION, CLEANING, ETC.**Section**

dead bodies prepared for transportation and persons accompanying	7353, 7354
packing materials	3751
passengers and materials on infected railway cars	1702
towels, common	3801

DISPENSARIES. See CLINICS AND DISPENSARIES.**DISTRICT ATTORNEYS. See also ATTORNEY GENERAL; ATTORNEYS; ATTORNEYS, CITY; CRIMES.**

auto camp or trailer camp nuisances, abatement of	18201, 18202
biologic violations prosecutions	1621
clothes cleaning establishment violations	13451, 13454
drug violation prosecutions	26384
drug violations by persons residing out of state, notice to United States attorney general re	26303
food violation prosecutions	26604
food violations by person residing out of state, notice to United States attorney general re	26527
narcotic violation prosecutions	11680
rodent eradication liens, actions to foreclose	1810
sanitary districts (act of 1891), duties re	5571
sanitary districts (act of 1919), duties re	5964, 6248
sanitary districts (act of 1923), duties re	6492
spotting, sponging, and pressing establishments, violations of provisions re	13726, 13729
vital statistics violations	10032

DISTRICT INVESTIGATION ACT OF 1933: fire protection districts, not applicable to 14003, 14405, 14603**DOCTORS. See PHYSICIANS.****DOGS. See also ANIMALS.**

rabies control	1900 to 1918
taxes, license taxes and special license taxes	1911 to 1914

DOORS.

boiler rooms	16954 to 16956
fire escapes	16525, 16526, 16560 to 16562, 16721
fireproof buildings	17284
garages	17023, 17044, 17045, 17062
penthouses	16418, 16422
semifireproof buildings	17302
shafts	16775
sink closures	17584

DORMITORIES.

definition	15013
generally	17151 to 17157

DRUGS AND DEVICES. See also FOOD AND DRUG INSPECTIONS, BUREAU OF; NARCOTICS.

adulterated drugs—	
adulteration prohibited	26285
condemnation proceedings	26365 to 26369
destruction upon court order	26367
hearings by state board of public health	26340 to 26342
importing, a misdemeanor	26281
manufacture, sale, advertising, keeping, etc., prohibited	26280
possession, sale, or offering for sale, prima facie evidence of violations	26293
prosecutions, generally	26295 to 26303
public health department, powers and duties re	201
reprocessing upon court order	26368, 26369
seizure and quarantine	26360 to 26369
what are	26230 to 26235
advertising, false or misleading—	
determining factors	26208
dissemination, liability for	26275
dissemination prohibited	26272, 26286
distributors, refusal to disclose names of	26275
publishers, agents, radio-broadcast licensees etc.: liability	26275
what is	26270 to 26272

DRUGS AND DEVICES—Continued.

	Section
amidopyrine, sale of drugs containing	26251
antiseptic, representation as	26210
cinchophen, sale of drugs containing	26251
coloring	26235
condemnation proceedings	26365 to 26369
containers and packages—	
fills, misleading	26249
forms, misleading	26249
"immediate container"	26206
"package," defined	26214
poisonous or deleterious substances, containers composed of	26235
contents, labeling of	26254
devices, what are	26202
drugs, what are	26200, 26201
enforcement of regulations—	
generally	26321 to 26385
public health, state board of, powers and duties of	26324
factories, warehouses, etc.—	
guaranties	26296 to 26303
inspections	26327, 26330
general provisions and definitions	26200 to 26215
guaranties against adulteration or misbranding—	
contents	26300
general guaranties	26297, 26298
generally	26296 to 26302
prosecutions for violations, avoidance of, by guaranties	26296
special guaranties	26299
habit-forming drugs, labeling of	26254
hearings of state department re adulteration or misbranding	26340 to 26342
homeopathic drugs, requirements re	26232, 26246
homeopathic pharmacopoeia, United States, drugs subject to requirements of	26232, 26246
imitations	26249
information, dissemination of, by state board of public health	26333, 26334
investigational use	26292
laboratory, state, for analyses and examinations	26358
minor violations	26332
misbranded drugs—	
condemnation proceedings	26365 to 26369
destruction upon court order	26367
determining factors	26208
exemptions from regulations	26241, 26244
hearings by state board of public health	26340 to 26342
importing, a misdemeanor	26281
labels—	
alteration, mutilation, destruction, or obliteration resulting in misbranding	26283
forging, counterfeiting, or falsely representing	26284
manufacture, sale, advertising, keeping, etc., prohibited	26280
misbranding prohibited	26285
prescriptions, exemption of	26252
prosecutions, generally	26295 to 26303
rebranding upon court order	26368, 26369
small packages, exemption of, from regulations	26241
tagging or marking	26360, 26366
what are	26240 to 26254
new drugs—	
applications for permits to sell, etc.	26288 to 26292
definition	26211
pharmacopoeia, United States, drugs subject to requirements of	26232, 26246
professions, healing, dissemination to	26272
prohibitions, generally	26280 to 26303
public health department powers and duties re	201, 202
purity, standard of	26320
regulations, promulgation of, by state board of public health	26321 to 26323
relabeling or reprocessing upon court order	26368, 26369
sales—	
adulterated or mislabeled drugs	26280 to 26282, 26293, 26295, 26328
agents, refusal to sell to	26328
amidopyrine, cinchophen, or sulfanilamide, drugs containing	26251
new drugs	26288 to 26292

DRUGS AND DEVICES—Continued.

Section

samples, examination of, re violations	26324
samples, obtaining of, by sheriff or agents	26326 to 26330, 26380, 26381
seizure and quarantine of adulterated or mislabeled drugs	26361 to 26369
self-medications	26273, 26274
sulfanilamide, sale of drugs containing	26251
violations, prosecutions of—	
generally	26295 to 26303
guaranties, avoidance by	26296 to
persons residing out of state: notice by district attorney to attorney gen-	
eral of United States	26303

DWELLINGS. See also HOUSING ACT, STATE.

animals or poultry, keeping in or near	17817
--	-------

E

EARTHQUAKE PROTECTION.

design and construction, building	19150, 19151
enforcement of provisions	19120 to 19122
ordinances	19101, 19122
scope and application of provisions	19000, 19100, 19101
violations of provisions	19170

EDUCATION, STATE DIRECTOR OF: convalescent colony board mem-

bership	24380
---------	-------

EDUCATIONAL INFORMATION. See PUBLICATIONS, EDUCATIONAL INFORMATION, ETC.

ELECTIONS.

cemetery districts, public: formation	8930 to 8941
fire protection districts, county—	
dissolution	14584 to 14591
formation	14425 to 14432
fire protection districts in one or more counties—	
annexations	14744 to 14750
dissolution, generally	14762 to 14764
fire protection districts in unincorporated areas—	
dissolution	14280 to 14288
generally	14100 to 14113
withdrawals	14257
fire protection districts, metropolitan: bond issuance	14345 to 14350
garbage disposal district formations	4110 to 4112
health districts, local—	
annexations	959 to 962
dissolution	967 to 970
mosquito abatement districts—	
additional funds, tax for	2303 to 2307
consolidation	2363 to 2367
dissolution	2390 to 2392
rat extermination, additional funds for	2290
police protection districts in unincorporated towns—	
commissioners, board of	20062 to 20067
police departments, elections re establishing and equipping	20101 to 20107
property, elections re acquisition and disposal of	20073, 20075, 20076
sanitary districts (act of 1891)—	
annexations	5670 to 5672, 5844 to 5847, 5851, 5852
assessor	5573
board members	5564
bonds	5660 to 5663, 5683, 5684, 5692, 5693
formation	5523 to 5546
generally	5630 to 5637
officers	5523 to 5546, 5650 to 5652
sanitary districts (act of 1919)—	
annexations	6090 to 6093, 6329 to 6332, 6336, 6337
bond elections	6075 to 6078
formation	5929 to 5946
generally	6030 to 6038
officers	6050 to 6063
reorganization	6306 to 6310

ELECTIONS—Continued.

Section

sanitary districts (act of 1923)—		
annexations	6848 to	6850
assessor		6494
board members		6485
dissolution		6900
formation	6446 to	6466
sanitation districts, county—		
bond elections	4780 to 4786, 4794,	4795
city withdrawals	4845.06 to	4845.09
dissolution		4851, 4852
formation		4715 to 4717
unincorporated territory withdrawals	4845.21 to	4845.24
sewer revenue bonds: proposed work and bond issuance	4975 to	4979

EMBALMING. See DEAD BODIES.

EMINENT DOMAIN.

exercise by—		
cemeteries		8715
garbage disposal districts		4120
health districts, local		936
mosquito abatement districts		2270
pest abatement districts		2853
sanitary districts (act of 1891)		5593
sanitary districts (act of 1919)		5985
sanitary districts (act of 1923)		6514
sanitation districts, county	4740,	4760
sewer maintenance districts		4886
sewer revenue bonds, districts issuing	5001,	5008

EMPLOYER AND EMPLOYEE. See CLINICS AND DISPENSARIES;
COMPENSATION, SALARIES, WAGES; OFFICERS AND
EMPLOYEES, PUBLIC.

EPIDEMICS: reports by city health officers to state department	508
--	-----

EXCAVATIONS, ABANDONED	24400 to 24403
------------------------	----------------

EVIDENCE.

cemeteries, removal of all remains from: conveyance, made after filing of cemetery authority's declaration re removal, conclusive evidence of removal in favor of grantee or mortgagee	7904
cemetary districts, public—	
formation hearings—	
finding in favor of genuineness and sufficiency of petition final and conclusive except against state	8923
finding that due notice of hearing has been given final and conclusive except against state	8923
clothes cleaning establishments—	
fire doors: compliance with best practice re construction, hanging, etc.	13372
license fees: failure to pay, prima facie evidence of violations re	13315
violations of provisions, evidence relating to: submission of, to district attorneys by state fire marshal	13728, 13453
drugs—	
adulterated drugs: possession, sale, or offering for sale, prima facie evidence of violations	26293
certificates of division of laboratories or bureau of food and drug inspections re adulteration or misbranding, prima facie evidence of facts stated therein	26339
misbranded drugs: possession, sale, or offering for sale, prima facie evidence of violations	26293
fire companies in unincorporated towns: certificates of exemption or active membership, prima facie evidence of facts stated therein	14840
foods, adulterated or misbranded—	
certificate certified by chief of bureau of food and drug inspections, prima facie evidence of facts therein stated	26563
certificate certified by chief of division of laboratories, prima facie evidence of facts therein stated	26563
possession, sale, or offering for sale: prima facie evidence of violation	26518
garbage disposal districts—	
formation: order of, conclusive evidence of regularity of all prior proceedings, except adoption and publication in full of resolution of intention, and of fact of hearing	4112

EVIDENCE—Continued.

Section

health districts, local: formation hearing findings conclusive except against state	917
mosquito abatement district formation proceedings: findings, conclusive evidence of genuineness and sufficiency of petition and notice, except against state	2222
narcotics—	
obtaining of drugs and other evidence by chief of division of enforcement	11106
physician of division of narcotic enforcement, testimony of, not privileged	11104
prescribers' receiving of or possessing of greater amount than records indicate, prima facie evidence of guilt of violation of regulations	11227
vehicle transporting narcotics, holding of, as evidence until forfeiture declared or release ordered	11611
presumptions—	
cemetery plots, ownership in	8600
explosives, reckless and malicious possession of, from unlawful possession	12352
sanitary districts (act of 1891)—	
annexations—	
entry approving petition, conclusive evidence of the fact and regularity of all prior proceedings and of facts stated in entry	5848
order calling election, conclusive evidence of due presentation and proper signing of a proper petition	5846
order of annexation, conclusive evidence of validity of all prior proceedings leading to annexation and recited in order	5850
bond elections: entry of results, conclusive evidence of the fact and regularity of all prior proceedings	5663
formation—	
order calling election, conclusive evidence of proper petition and proper signing thereof	5525
order of formation, conclusive evidence of the fact and regularity of all prior proceedings and of existence and validity of district	5545
sanitary districts (act of 1919)—	
annexations—	
entry approving petition, conclusive evidence of the fact and regularity of all prior proceedings and of facts stated in entry	6333
order calling election, conclusive evidence of due presentation and proper signing of a proper petition	6331
order of annexation, conclusive evidence of validity of all prior proceedings leading to annexation and recited in order	6335
bond elections: entry of returns, conclusive evidence of the fact and regularity of all prior proceedings	6078
formation—	
order calling election conclusive evidence of proper petition and signing thereof	5930
order of formation conclusive evidence of fact and regularity of all prior proceedings	5945
sanitary districts (act of 1923)—	
annexations by elections—	
entry approving petition, conclusive evidence of the fact and regularity of all prior proceedings and of facts stated in entry	6851
order calling election, conclusive evidence of proper petition and of proper signing thereof	6849
order of annexation, conclusive evidence of validity of all prior proceedings leading to annexation and recited in order	6853
bond elections: entry of returns, conclusive evidence of fact and regularity of all prior proceedings, and of facts stated in entry	6613
formation election, order calling, conclusive evidence of proper petition and proper signing thereof	6448
sanitation districts, county: formation, order of, conclusive evidence of regularity of all prior proceedings, except adoption and publication in full of resolution of intention and of fact of hearing	4718
spotting, sponging and pressing establishments—	
applicants for licenses, evidence re	13604
district attorneys, submission to, by state fire marshal	13728
vital statistics: copies of records certified to have been registered within one year from date of event, prima facie evidence of facts stated therein	10551

EXECUTION.

cemetery funds, exemption of	7925
cemetery property, exemption of	8561

EXPENDITURES.

Section

aviary inspection fund, state	2104
clinic and dispensary fund, state	1243
convalescent colony fund, state	24385
disinfectant and removal of all remains from cemeteries of cities or cities and counties over 100,000	7925 to 7930
fire equipment: sixth class cities	14205
fire marshal's fund, state	13111
fire protection districts, county: donated funds	14452
garbage disposal district funds remaining after dissolution for highway maintenance and repair	4163
health administration contracts, local: payment of services	482 to 485
health districts, local	944
laboratories, municipal and county, establishment and maintenance costs of	1001
mosquito abatement districts	2283, 2284
narcotic enforcement, division of, for obtaining evidence	11106
narcotic prosecutions, expenses of, payment by chief of division of narcotic enforcement	11680
physically defectives' revolving fund, state	263
physically handicapped children: gifts, legacies, etc., received for	264
police protection districts (unincorporated towns): real property purchases	20075, 20076
rabies control, county or city	1917, 1918
railway inspections by state re introduction of diseases	1703
rodent eradication	1805, 1807 to 1809
sanitary districts (act of 1891)	5819, 5820
sanitary districts (act of 1919)	6289, 6290
sanitation districts, county—	
construction fund	4793
operating fund	4817
sewer districts (act of 1899)	4664, 4665
sewer revenue bonds: damage to public ways or public works by districts issuing	5007
tuberculosis: special subsidy funds, county or city	3341

EXPLOSIVES. See also FIREWORKS.

definitions and general provisions	12000 to 12005
illegal use or possession	12350 to 12354
rules and regulations re keeping and storing of, powers of supervisors to make	851
sales records	12100 to 12109
storage—	
general provisions	12150 to 12153
magazines of the first class	12170 to 12190
magazines of the second class	12210 to 12212
transportation	12300 to 12306

F

FAUCETS.

apartment houses and hotels	17585
trailer camps	18658

FEES.

auto camps and trailer camps	18301, 18302, 18304
aviaries: certificates of registration	2104
biological laboratory licenses	1609, 1612
boiler inspections	24240 to 24244
building permits, certificates of final completion, etc.	15153
cemetery declarations of dedication, filing of, by county recorders	8557
cemetery maps, filing of, by county recorder	8556
clinics and dispensaries permits	1240
clothes cleaning establishment licenses	13314 to 13316
dead bodies, permits for disinterment and removal of	7501
drug enforcement services by sheriffs	26382, 26383
food violation services by sheriff	26602, 26603
laboratories, biological, licenses for	1609, 1612
narcotic nuisance abatement orders, fees for removing and selling movable property under	11793

FEES—Continued.

Section

official services without fee—

fire protection districts (in one or more counties) : filing of resolutions by county recorders	14816
vital statistics records, furnishing transcripts of, to United States veterans bureau	10630
sheriffs—	
drug enforcement services	26382, 26383
food violation services	26602, 26603
spotting, sponging, pressing establishment licenses and registration	13602, 13606, 13650 to 13657
tank inspections	24240 to 24244
vital statistics	10007, 10625 to 10630

FELONIES. See CRIMES.

FILING. See RECORDING, FILING, ETC.

FINANCE, STATE DEPARTMENT OF. See also FINANCE, STATE DIRECTOR OF.

approvals—

claims against division of narcotic enforcement	11106
convalescent colony fund expenditures	24385
compensation of division of narcotic enforcement employees	11103
convalescent colony, acceptance of gifts for	24381 to 24383
vehicles forfeited for transporting narcotics, duties re	11624 to 11626, 11628

FINANCE, STATE DIRECTOR OF. See also FINANCE, STATE DEPARTMENT OF.

approvals—

convalescent colony—	
gifts of lands and contributions to	24382
leases of lands by	24385
vital statistics fees	10625, 10626

FINES. See PENALTIES, FINES, ETC.

FIRE COMPANIES IN UNINCORPORATED TOWNS.

certificates of exemption or active membership	14839, 14840, 14856 to 14860
chiefs, duties of	14841 to 14845
exemptions of officers and members	14855 to 14860
ordinances, duties of fire chiefs re	14842
organization	14825 to 14830
powers and duties, generally	14835 to 14845
secretaries, duties of	14837 to 14839

FIRE ESCAPES: housing act provisions 16500 to 16721

FIRE MARSHAL, STATE.

chief of division of fire safety	13256
clothes cleaning establishments, powers and duties re—	
administration	13250 to 13254
licenses	13300 to 13324
expenditure of fire marshal's fund	13111
fire hazards on state property, abatement of	13104.5, 13104.6
fireworks, adoption of rules and regulations re	12509
office created	13100
powers and duties	13103 to 13111
reports—	
incendiary fires to district attorneys	13107
monthly and annual reports to governor	13110
spotting, sponging and pressing establishments, powers and duties re—	
administration	13550 to 13554
licenses and registration	13600 to 13616
state property, abatement of fire hazards on	13104.5, 13104.6

FIRE PROTECTION DISTRICTS, COUNTY.

annexations—

authorization	14510
hearing	14514
notice	14511 to 14513
resolution declaring annexation	14515
board of supervisors—	
commissioners, appointment of	14453, 14455
ordinances	14460 to 14466
powers and duties, generally	14440 to 14451

FIRE PROTECTION DISTRICTS, COUNTY—Continued.

Section

civil service: adoption of and use of county facilities.....	14446 to 14451
commissioners—	
accounts	14455.3
appointment	14453, 14455
compensation	14455.1, 14455.2
contracts re fire apparatus and equipment.....	14455.5
fire chiefs, firemen, etc.: appointment and payment of.....	14455.6
organization	14455.2
president, election of.....	14453, 14455.2
records	14455.3
rules and regulations, making and enforcement of.....	14455.4
secretary, election of.....	14453, 14455.2
consolidations—	
authorization	14525
hearing	14529, 14530
name of consolidated district.....	14531
notice	14526 to 14528
resolution declaring consolidation.....	14531
contracts—	
joint use of apparatus and equipment.....	14455.5
withdrawals upon inclusion in city, cancellation or modification upon.....	14548
definitions and general provisions.....	14400 to 14407
dissolution—	
authorization	14580
election	14584 to 14591
hearing	14583, 14584
notice of election.....	14582, 14588, 14589
petition	14581 to 14584
property, vesting of.....	14592
“district investigation act of 1933,” not applicable.....	14405
fire chiefs, firemen, etc.: appointment, compensation, powers and duties.....	14455.6, 14455.7
fire extinguishment services extended by other governmental agencies, liability for	13051, 13052
forestry, state division of, duties of.....	14470
formation—	
authorization, composition, etc.....	14410
boundaries	14415, 14418, 14426, 14427
decision of board.....	14419
election	14425 to 14432
hearing	14417 to 14419
notice	14411 to 14415
objections	14416 to 14418
funds—	
inclusions of territory within cities, effect of.....	14502
withdrawals upon inclusion in city, division upon.....	14549
ordinances	14460 to 14466
president of commissioners, election of.....	14453, 14455.2
property—	
acquisition	14443
dissolution, effect of.....	14592
generally	14500 to 14506
inclusions of territory within cities, effect of.....	14501 to 14506
withdrawals upon inclusion in city, division upon.....	14549
withdrawals upon petition, vesting upon.....	14568
secretary of commissioners, election of.....	14453, 14455.2
taxation and finance.....	14480 to 14486
withdrawals upon inclusion in city—	
authorization	14540, 14541
contracts, cancellation or modification of.....	14548
funds, division of.....	14549
hearing	14546, 14547
notice	14544, 14545
order of withdrawal.....	14547
property, division of.....	14549
resolution of request by city.....	14542, 14543
withdrawals upon petition—	
authorization	14560
granting of petition.....	14567
hearing	14563, 14566, 14567
notice	14564, 14565
petition	14561, 14562, 14567
property, vesting of.....	14568

FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES.

contracts	14682
definitions and general provisions	14600 to 14605
directors—	
election	14625, 14633, 14637, 14654 to 14660
organization, terms, etc.	14650 to 14653
powers and duties	14680 to 14686
dissolution, generally—	
authorization	14760
election	14762, 14763
entry of dissolution	14763 to 14765
petition	14761
taxation and finances, effect upon	14766
dissolution when area is incorporated—	
authorization	14800
debts, payment of, by city	14804
petition	14801
property, transfer of, to city	14803
resolution of dissolution	14802
“district investigation act of 1933,” not applicable	14603
elections—	
directors	14625
precincts	14623, 14624
exclusions when area is incorporated—	
authorization	14810
petition	14811
resolution of exclusion	14812
fire hazards, powers re	14684
formation—	
election	14630 to 14640
hearing	14618, 14619, 14620 to 14624
objections	14617 to 14619
petition, composition, etc.	14600, 14610, 14621
resolution of intention	14611, 14612
general provisions and definitions	14600 to 14605
inclusions by election—	
authorization	14735
costs, advancement of, by petitioners	14740
election	14744 to 14750
finding in favor of inclusion	14750
hearing	14743, 14744
notice of election	14745
notice of hearing	14736 to 14739
petition	14736, 14740 to 14742
taxes, payment of	14742
inclusions without election—	
authorization	14720
hearing	14726 to 14728
notice	14725
petition	14721 to 14727
ordinances	14686 to 14688
property—	
generally	14683
title	14604, 14605
rules and regulations	14681
taxation and finance—	
annexations, payment of taxes by petitioners upon	14742
dissolution, effect of	14766, 14804
exclusions upon area being incorporated, effect of	14812
generally	14700 to 14709

FIRE PROTECTION DISTRICTS IN UNINCORPORATED AREAS.

board of fire commissioners—	
appointment of fire company officers and employees	14075
appointment, organization, compensation, etc.	14050 to 14055
powers and duties, generally	14073 to 14089
contracts—	
fire protection services to cities	14200 to 14205
water, supply and distribution of, etc.	14074
definitions and general provisions	14001 to 14009

	Section
FIRE PROTECTION DISTRICTS, IN UNINCORPORATED AREAS—	
Continued.	
dissolution—	
authorization	14275
election	14280 to 14288
finding re dissolution	14288
funds, division of	14290
hearing	14277 to 14280
petition	14276, 14277
property, vesting of	14289
“district investigation act of 1933,” not applicable	14003
elections, generally	14100 to 14113
employees, appointment of	14075
formation—	
authorization, composition, etc.	14005, 14025
boundaries	14029
petition and hearing	14025 to 14029
funds, division of, upon dissolution	14290
inclusions of contiguous territory—	
authorization, etc.	14225, 14226
boundaries	14232 to 14237
hearing	14231 to 14236
order of inclusion	14236
petition	14227 to 14231
officers, fire company, appointment of	14075
ordinances	14085 to 14087, 14312
property—	
dissolution, vesting upon	14289
generally	14075, 14077 to 14081
reorganization, effect of	14310, 14311
withdrawal of lands, vesting upon	14258
reorganization—	
authorization	14300
boundaries	14302, 14305 to 14307
effect	14308 to 14314
hearing	14303 to 14308
petition	14301 to 14304
taxation and finance	14150 to 14159
withdrawals—	
authorization	14250
election	14257
hearing	14252 to 14257
petition	14251, 14252
property, vesting of	14258
FIRE PROTECTION DISTRICTS, METROPOLITAN.	
bonds—	
generally	14326, 14351 to 14354
issuance, election on	14345 to 14350
contracts	14365 to 14368
definitions	14327
formation—	
authorization	14325
boundaries	14331, 14340 to 14344
generally	14325, 14326, 14330 to 14344
hearing and protest	14340 to 14344
intention, resolution of—	
contents	14331
generally	14330 to 14339
general provisions	14325, 14326
governing body	14365 to 14370
laws applicable to	14375
powers, generally	14365 to 14370
purposes	14326
taxation and revenue	14355 to 14361
work, performance of, by district	14369
FIRE SAFETY, STATE DIVISION OF: state fire marshal as chief	13250

FIRES. See also FIRE COMPANIES; FIRE MARSHAL STATE; FIRE PROTECTION DISTRICTS, COUNTY; FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES; FIRE PROTECTION DISTRICTS IN UNINCORPORATED AREAS; FIRE PROTECTION DISTRICTS, METROPOLITAN; FIRE SAFETY, STATE DIVISION OF; FIREWORKS.

equipment, standard—		
fire marshal, state, powers and duties of	13027,	13028
nonstandard equipment, prohibition of sale of		13028
state standard		13025
equipment, use of—		
expenses incurred in extending services	13051,	13052
extensions of service by counties and cities		13050
national forest fires		13053
liabilities in relation to fires	13000 to	13006
national forest fires	13053,	13054
state property, abatement of fire hazards on	13104.5,	13104.6

FIREWORKS.

"dangerous fireworks," what are		12500
definitions	12500 to	12502
discharge	12503 to 12506, 12509,	12511
"inflammable liquid, class 1"		12502
permissible use for ceremonial purposes, theatrical productions, signals, etc.		12504
permits	12503 to	12509
public displays	12504, 12505, 12507 to	12510
"safe and sane fireworks," what are		12501
sales	12503 to 12505, 12508,	12511
storage		12512
violations		12513

FLOORS.

apartment houses or hotels	17264, 17266,	17267
auto camps		18402
basements		15902
fire escapes. See FIRE ESCAPES.		
fireproof buildings		17284
food storage or preparation rooms, hotel		17254
garages	17020, 17043,	17061
kitchens, hotel		17254
live load		17257
lower floor air space	16000 to	16002
trailer camps: water-closets, shower bath compartments	18652,	18655

FOOD.

administration of regulatory law—		
generally	26540 to	26605
local administration	26615 to	26624
adulterated foods—		
adulteration prohibited		26515
condemnation	26585 to	26589
correction by processing upon court order		26588
exportation, foods prepared for		26512
hearings, local	26619 to	26621
importing prohibited		26511
manufacture or production prohibited		26510
public health department, powers and duties re	201,	202
sales prohibited		26510
seizure and quarantine	26581 to	26589
tagging or marking	26580,	26586
what are		26470
advertising, false or misleading—		
alcoholic beverages		26501.1
determining factors		26456
dissemination prohibited		26516
liability for		26501
manufacturers, packers, etc., refusal to disclose names of		26501
publishers, radio-broadcast licensees, agencies, etc.: liability		26501
what is		26500
alcoholic beverages—		
advertising		26501.1
refilled packages, sales of, prohibited		26517

FOOD—Continued.

	Section
artificial coloring of butter, cheese, or ice cream	26496
beer—	
applicability of provisions	26462, 26495
containers	26540, 26540.1
confectionery	26450, 26472
containers—	
beer	26540, 26540.1
fill, standard of	26540
filling, misleading	26490
form, misleading	26490
“immediate container”	26454
poisonous or deleterious substances, composed of	26470
contamination with micro-organisms: temporary regulation of class of food affected	26473 to 26476
definition	26450
examinations and analyses by state laboratory	26558, 26560, 26561
factories, warehouses, etc., inspections of	26548, 26553
general provisions and definitions	26450 to 26462
guaranties—	
contents	26524
general guaranties	26522
generally	26520 to 26527
prosecution, avoidance of, by guaranties	26520 to 26527
special guaranties	26523
violation notices to persons issuing	26564
health districts, local, inspections by	936
identity, standards of	26540 to 26542
importing of adulterated or misbranded foods	26511
laboratories, county or city, examinations by	1000
laboratory, state: analyses and examinations	26558, 26560, 26561
misbranded foods—	
correction by proper labeling upon court order	26588
determining factors	26456
exemption of small packages	26491
exportation, foods prepared for	26512
imitations	26490
importing prohibited	26511
labels—	
alteration, mutilation, or destruction resulting in misbranding	26513
forging, counterfeiting or falsely representing	26514
manufacture or preparation prohibited	26510
misbranding prohibited	26515
sales prohibited	26510
seizure and quarantine	26581 to 26589
tagging or marking	26580, 26586
violations, generally	26518 to 26527
what are	26490 to 26496
optional ingredients, regulations re	26541
poisonous or deleterious ingredients	26470, 26471
prohibitions, generally	26510 to 26527
prosecutions for violations: guaranties, avoidance by	26518 to 26527
public health department powers and duties re	201, 202
quality, standards of	26540 to 26542
regulations—	
generally	26540 to 26544
local inspection and enforcement divisions	26624
poisonous or deleterious ingredients	26471
sales—	
regulations	26510 to 26512, 26517 to 26519, 26550, 26582
what considered to be	26459
samples	26545, 26549, 26550, 26553, 26600 to 26602, 26622
temporary regulation of class of food contaminated with micro-organisms	26473 to 26476
violations	26518 to 26527, 26542
FOOD AND DRUG INSPECTIONS, BUREAU OF. See also DRUGS;	
FOOD.	
chief—	
appointment of	26559
drugs or devices: seizure and quarantine, duties re	26361 to 26363

FOOD AND DRUG INSPECTION, BUREAU OF—Continued.		Section
foods—		
adulteration or misbranding, reports to state board re	26562	
reports to state board	26567	
seizures, reports re	26583	
employees	26559	
FORESTER, STATE: firework permits	12506	
FORESTRY, STATE DIVISION OF: fire protection districts, county,		
duties re	14470, 14471	
FORFEITURES. See PENALTIES, FINES, ETC.		
FRANCHISES: county garbage disposal	4200 to	4204
FRATERNAL OR BENEFICIAL ASSOCIATIONS: cemeteries owned by	8129, 8132,	8133
FUNDS. See also EXPENDITURES.		
cemetary. See CEMETERIES.		
city—		
health protection funds: bacteriological and chemical laboratories costs	1001	
rabies treatment and eradication fund	1910, 1911, 1915, 1917,	1918
sewer maintenance districts, inclusions of	4921 to	4924
tuberculosis: special subsidy fund	3340 to	3342
county—		
communicable or infectious diseases, eradication fund for	850	
fire protection districts in unincorporated areas: use of funds reverting		
upon dissolution	14291	
health protection funds: bacteriological and chemical laboratories costs	1001	
pest abatement districts, transfers to	2874,	2922
physically handicapped children, special fund for	270	
rabies treatment and eradication fund	1910, 1911, 1915, 1917,	1918
transfers from general fund to special fund for physically handicapped		
children	270	
tuberculosis hospitals maintained by group of counties	3304,	3308
tuberculosis: special subsidy fund	3340 to	3342
district. See name of particular district (e.g. SANITATION DISTRICTS,		
COUNTY).		
state—		
aviary inspection fund	2104	
clinic and dispensary fund	1242,	1243
convalescent colony fund	24385	
fire marshal's fund	13111, 13316,	13654
general fund—		
auto camp and trailer camp fees, deposit in	18304	
drug administration fines, credits of	26385	
sewage disposal penalties, deposit of	5462	
tank and boiler inspection fees, deposit of	24244	
physically defectives' revolving fund	256, 258,	263
tuberculosis aid to counties and cities: administration by bureau of		
tuberculosis	413,	414
FUNERAL DIRECTORS. See also CASKET SELLERS; CEME-		
TERIES; CORONERS; DEAD BODIES; DEATH REGIS-		
TRATION.		
cremated remains, liability for	7112	
death certificates, duties re	10377, 10450 to	10454
deaths, reports of	10426	
registration of name with local registrar	10004	
vital statistics, duty to supply information	10002	

G

GARAGES: housing act provisions	17000 to	17088
GARBAGE AND REFUSE. See also GARBAGE DISPOSAL DIS-		
TRICTS.		
animals refuse, cremation of	4303	
crematories, regulations re gases or fumes from	4300 to	4302
disposal—		
franchises, county	4200 to	4204
health districts, local	936	

GARBAGE AND REFUSE—Continued.

	Section
sanitary districts (act of 1891)-----	5600
sanitary districts (act of 1919)-----	5992
sanitary districts (act of 1923)-----	6406, 6512, 6514, 6521, 6641
trailer camps-----	18680 to 18685
vessels, use of, for disposal purposes-----	4401 to 4403
housing act provisions-----	17809 to 17812
placing upon private property or public places-----	4475
receptacles—	
closet or compartment for storing of receptacles-----	17810
trailer camp-----	18680
trailer camp disposal-----	18680 to 18685

GARBAGE DISPOSAL DISTRICTS.

annexations—	
authorization-----	4135
cities, inclusion of-----	4139
hearing-----	4137, 4138
notice of hearing-----	4137
petition-----	4136 to 4138
contracts for disposal-----	4121
dissolution—	
authorization-----	4160
hearing-----	4162
notice of hearing-----	4161
order of dissolution-----	4163
petition-----	4161 to 4163
property, vesting of-----	4163
formation—	
boundaries-----	4106, 4108, 4112
cities, inclusion of-----	4105
composition, powers of supervisors, etc.-----	4105, 4106
election-----	4110 to 4112
hearing-----	4106 to 4110
notice of election-----	4111
notice of hearing-----	4106 to 4108
objections-----	4109
order of formation-----	4112
funds-----	4147, 4163
property—	
dissolution, effect of-----	4163
title-----	4122
withdrawals, effect of-----	4147
rules and regulations-----	4120
supervisors, board of, general powers of-----	4120
taxation-----	4127
withdrawals—	
authorization-----	4143
hearing-----	4146
notice of hearing-----	4145
petition-----	4144 to 4146
property, vesting of-----	4147

GARNISHMENT: exemption of money payable to cemeteries----- 7925

GAS APPLIANCE VENTS: housing act provisions----- 16900 to 16905

GAS ILLUMINATION: rented rooms----- 19600

GIFTS. See also BEQUESTS.

cemeteries, private—	
lands, mausoleums, columbariums and other property-----	8500
perpetual care and special care-----	8737, 8776
cemeteries, public, lands for: acceptance by cities-----	8127
clinics, charitable-----	1204
convalescent colony, state, land and contributions to-----	24381 to 24383
explosives-----	12101 to 12106
fire protection districts, county, acceptance by-----	14452
fire protection districts in unincorporated areas, property to-----	14077
narcotics for medical purposes to state prisons or state hospitals by state division of narcotic enforcement-----	11655
physically handicapped children, services for-----	264

GOVERNOR.

Section

appointments—	
fire marshal, state	13101
narcotic enforcement, chief of division of	11101
public health board members	103
public health, director of	107
narcotic enforcement, fixing of salary of chief of division of	11101

GUARANTIES. See DRUGS; FOODS.

GUNPOWDER. See EXPLOSIVES; FIREWORKS.

H

HEALTH DISTRICTS, LOCAL.

administration and operation, generally	940 to	944
annexations—		
certificate of annexation	962,	963
cities, inclusion of	958,	964
election	959 to	962
effective date		963
petition	959,	964
territory		958
cities, inclusion of	903, 904, 919, 958,	964
counties, inclusion of		919
county and city administrative provisions, exemption from		884
definitions	880 to	883
dissolution—		
certificate of dissolution	969,	970
election	967 to	969
property apportionment		970
employees: appointment, compensation, removal, etc.	941 to	943
expenditures to purchase property		944
finances	950 to	953
formation—		
boundaries	902,	915
certificate of incorporation	918 to 920,	922
hearing	913 to 915,	918
petition	901, 902, 905,	906
territory	902 to	904
health officer—		
appointment, qualifications, compensation, etc.		940
duties	941 to	944
meat inspector, qualifications of		941
names		918
ordinances applicable to		884
powers, generally	935,	936
property—		
dissolution, apportionment upon		970
generally		936
health officer, powers of		944
public health nurses and health visitors, employment of		936
taxation	950 to	953
trustees, board of—		
appointment, membership, meetings, etc.	925 to	931
expenditures for purchases of property, approval of		944
united action: powers and costs		936

HEALTH OFFICERS. See also QUARANTINE OF DISEASES.

city—	
generally	502 to 509
vital statistics local registrars, designation as	10101
county—	
compensation	451.5
burials with permits issued outside county, reports re	7409
garbage dumps, sanitary districts (act of 1923), approval of	6512
generally	450 to 456
vital statistics local registrars, designation as	10101 to 10103

HEALTH OFFICERS—Continued.

Section

generally—	
cups, common drinking, enforcement of sanitary provisions re	3703
definition for purposes of quarantine laws	2500
food protection and enforcement, local divisions of, duties re	26618 to 26621
quarantine, powers and duties re	2554 to 2574
rodent inspection	1804, 1806
swimming pools, enforcement of rules and regulations re	24103, 24104
towels, common, enforcement of sanitary provisions re	3802
wiping rags, inspections of	3902
town health officer, appointment, duties, term, etc.	491 to 493

HEALTH, PUBLIC. See PUBLIC HEALTH.

HIGHWAYS.

engineer, state highway: construction permits to sanitary districts (act of 1923)	6540
fire protection districts, dissolved: use of funds	14605
fire protection districts (in one or more counties): power re clearance, etc.	14684
garbage disposal districts, dissolved: use of funds	4163
highway patrol: duties re parking of trailer coaches	18200
sanitary districts (act of 1923): sewer construction	6540
sanitation districts, county: rights of way	4759
sewer revenue bonds, damage by districts issuing	5007

HOSPITALS. See also INSTITUTIONS; TUBERCULOSIS.

fire inspection	13109
maternity hospitals—	
definitions	1400 to 1402
permits	1402 to 1406, 1409
rules and regulations of state department	1407
physically handicapped children, facilities for	267, 269
records re inmates	10008, 10009
state hospitals: gifts to, of narcotics for medical purposes, by state division of narcotic enforcement	11655

HOTELS. See APARTMENT HOUSES, HOTELS, ETC.; see also HOUSING ACT, STATE.

HOUSING. See AUTO CAMPS, TRAILER CAMPS, TRAILER COACHES; HOUSING ACT, STATE; HOUSING AND IMMIGRATION, STATE DIVISION OF.

HOUSING ACT, STATE	15000 to 19702
actions and proceedings	15290 to 15300
air ducts	16800
air space, lower floor	16000 to 16002
application and scope	15151 to 15158
basements	15005, 15901 to 15904
boiler rooms	16950 to 16959
buildings on same lot—	
distances between	15500, 15501
rear building passageway	15520 to 15523
city departments, enforcement by	15250 to 15252, 15254, 15255
construction, generally	17250 to 17341
details of construction	17250 to 17269
fireproof buildings	17280 to 17284
plasterboard	17340, 17341
semifireproof buildings	17300 to 17304
wooden buildings	17320 to 17324
county enforcement	15253 to 15255
courts and yards. See subheading, yards and courts, below.	
definitions and general provisions	15000 to 15034
dormitories	15013, 17151 to 17157
enforcement agencies—	
generally	15250 to 15255, 17803, 17809
plumbing fixtures, powers and duties re	17452, 17457, 17466, 17484, 17534
fireproof buildings	17280 to 17284
fire escapes	16500 to 16721
combined stairway and fire escape	16720, 16721
door and window openings	16560 to 16564
location	16520 to 16527
maintenance and repair	16705
number and kind required	16500 to 16504

HOUSING ACT, STATE—Continued.

	Section
strength and support	16540 to 16545
type 1	16600 to 16615
type 2	16640
type 3	16650 to 16655
type 4	16670 to 16679, 16720
type 5	16690 to 16694, 16720
garages	17000 to 17088
area exceeding four thousand square feet	17060 to 17062
area less than one thousand square feet	17020 to 17023
area more than one thousand but less than four thousand square feet	17040 to 17045
general provisions	17000 to 17002
ventilation	17080 to 17088
gas appliance vents	16900 to 16905
hallway dimensions	16100, 16101
height of buildings	15850 to 15854
industrial relations, state department of: enforcement	15255
inspections	15270 to 15272
lots, unoccupied areas of, regulations re	15600 to 15604, 17802
maintenance, generally	17800 to 17820
permits and certificates	15351 to 15388
building permits	15351 to 15362
city building departments, powers and duties of	15351, 15352, 15355 to 15358, 15380 to 15383
dormitories erected prior to August 17, 1923: certificates of occupancy	17157
final completion, certificates of	15380, 15381
occupancy, permits of	15382 to 15388
plasterboard	17340, 17341
plumbing fixtures	17450 to 17585
bathtubs and showers—	
buildings erected after August 17, 1923	17551 to 17553
buildings erected prior to August 17, 1923	17530 to 17534
general provisions	17450 to 17466
sinks and faucets	17580 to 17585
water-closets—	
buildings erected after August 17, 1923	17501 to 17534
buildings erected prior to August 17, 1923	17480 to 17485
prohibited building or room uses	17700 to 17707
records re apartment houses and hotels	15315 to 15319
repairs, generally	17800 to 17820
room dimensions	16050 to 16063
sanitation, generally	17800 to 17820
semifireproof buildings	17300 to 17304
shafts	16770 to 16776
skylights. See subheading, <i>windows and skylights</i> , below.	
stairways—	
combined fire escapes and stairways	16720, 16721
generally	16400 to 16423
standpipes	16740 to 16744
vent shafts	16820 to 16835
ventilation—	
air ducts	16800
garages	17080 to 17088
systems	16233 to 16235, 16270, 16271, 16305
violations re maintenance, sanitation, and repair	17900 to 17902
water-closets—	
buildings erected after August 17, 1923	17501 to 17534
buildings erected prior to August 17, 1923	17480 to 17485
dimensions	16060, 16061
ventilation	16229, 16234
windows and skylights	16200 to 16305
buildings erected prior to August 17, 1923	16200 to 16204
hallways, public	16261 to 16271
rooms	16221 to 16235
stairways	16300 to 16305
wooden buildings	17320 to 17324
yards and courts—	
definitions	15010, 15034
maintenance	17802, 17803
requirements re depth, width; drainage, etc.	15650 to 15750

HOUSING AND IMMIGRATION, STATE DIVISION OF.	Section
auto camps, trailer camps, trailer coaches—	
enforcement of regulations.....	18200
nuisances, duties re.....	18201
permits and fees.....	18300 to 18304
HUMAN REMAINS. See DEAD BODIES.	
HYPODERMICS: sale, distribution, etc.	11475 to 11479
HYGIENIC LABORATORY, STATE.	
branches: establishment and maintenance.....	375, 377
chief and assistant chiefs: appointment and qualifications.....	376 to 377
organization, powers, duties, etc.....	374 to 377
I	
ICE.	
inspection rules violations.....	4004
inspections of ice, sources of supply, places of storage, etc.....	4004
making or cutting from polluted source prohibited.....	4000
pollution and sale violations.....	4005
pollution of supply, departmental powers re.....	203
sale, prohibition of, in certain cases.....	4000, 4001, 4003
storage places.....	4001
transportation.....	4002
ILLUMINATION.	
apartment houses and hotels.....	17819, 17820
rented rooms, gas illumination in.....	19600
IMPROVEMENT ACT OF 1911.	
sanitary districts (act of 1919), applicability to.....	6016 to 6018
sanitary districts (act of 1923), applicability to.....	6541 to 6543
IMPROVEMENT BOND ACT OF 1915.	
sanitary districts (act of 1919), applicability to.....	6016 to 6018
sanitary districts (act of 1923), applicability to.....	6541 to 6543
INDIGENTS.	
dead bodies unfit for scientific or educational purposes, interments of.....	7207
health administration contracts between counties and cities: provisions re indigents.....	486
INDUSTRIAL ACCIDENT COMMISSION: tanks and boilers, powers and duties re. See TANKS AND BOILERS.	
INDUSTRIAL RELATIONS, STATE DEPARTMENT OF: state housing act enforcement.....	15255
INFECTIOUS DISEASES. See COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES; see also QUARANTINE OF DISEASES; TUBERCULOSIS.	
INJUNCTIONS.	
narcotic nuisances, injunction against conducting or maintaining.....	11781 to 11797
plumbing regulations enforcement.....	810
sewage disposal, violations of regulations re.....	5443
tanks or boilers operating without permit.....	24231, 24232
INSECTS. See MOSQUITO ABATEMENT DISTRICTS; MOSQUITO SCREENINGS; PEST ABATEMENT DISTRICTS.	
INSPECTIONS, INVESTIGATIONS, ETC.	
apartment houses and hotels, indices of records re.....	15319
auto camps and trailer camps.....	18200, 18303
aviaries.....	2102
boilers.....	24210, 24222 to 24232, 24240 to 24244
casket sales to persons other than dealers or funeral directors, records of.....	10010
cemetery records.....	8111, 8128
cemetery rules and regulations.....	8309
clinics and dispensaries.....	1226
applications for permits.....	1222

INSPECTIONS, INVESTIGATIONS, ETC.—Continued.

Section

clothes cleaning establishments—		
applicants for licenses	-----	13311
generally	-----	13254
licenses	-----	13318
drugs or devices—		
adulterated or misbranded drugs or devices: places where kept	26327 to	26330
analyses by state laboratory chief	26336,	26337
factories, warehouses, vehicles, etc.	26327 to	26330
samples of suspected drugs	-----	26324
explosive sales records	-----	12106
fire protection districts in unincorporated areas, accounts of	-----	14082
fire protection: inspections of buildings and premises by State fire marshal		
or his assistants	-----	13109
fireworks, applications for permits re	12504,	12508
foods—		
examinations and analyses by state laboratories	26560,	26561
health districts, local, inspections by	-----	936
places where suspected foods exist	26548,	26553
health districts, local: power re inspection of water, milk, meat, and other		
foods	-----	936
health inspections of schools	-----	936
housing act, state, administration	15270 to	15272
ice for human use or consumption: sources of supply, places of storage, etc.	-----	4004
laboratories, bacteriological and chemical, examinations by	-----	1000
maternity hospitals	-----	1408
mausoleums and columbariums: construction inspection	9590,	9591
narcotics—		
prescribers' records	-----	11226
prescription blanks retained by prescribers	-----	11166.1
prescriptions	-----	11177
records, generally: by state division of narcotic enforcement	-----	11035
violation fines and imprisonments, records of	-----	11688
written orders and blank forms re sale without prescriptions	-----	11573
packing materials, infected	-----	3752
police protection districts (unincorporated towns), books of	-----	20079
post mortem examinations	7205,	7206
prenatal examinations for syphilis: birth certificate information	-----	10200
public health department, general powers and duties of	200 to 203, 210,	252
physically handicapped children	-----	252
quarantine, places of	-----	2522
rabies control	1902 to 1904,	1908
railways re introduction of diseases	1700 to	1703
rodents—		
generally	1800 to	1806
who may make	-----	1804
schools: health inspections	-----	936
sewage disposal permits	-----	5427
sewage disposal provisions, powers of state department re violations of	-----	5441
spotting, sponging and pressing establishments—		
applicants for licenses	-----	13605
certificates of registration	-----	13612
generally	-----	13554
swimming pools, public	24104,	24105
syphilis, prenatal examinations for: birth certificate information	-----	10200
tanks	24210, 24221, 24223 to 24232, 24240 to	24244
tuberculous persons and all institutions for tuberculosis: by bureau of		
tuberculosis	412,	414
unclaimed dead, records of: by state or county officials or prosecuting		
attorney	-----	7201
vital statistic records re adopted children	-----	10253
vital statistics violations: by state registrar	-----	10035
wiping rags	-----	3902

INSTITUTIONS. See also HOSPITALS; TUBERCULOSIS.

public—		
physically handicapped children, facilities for services for	-----	267
unclaimed dead, duties re	7200,	7201

INSTITUTIONS.	Section
public and private—	
birth certificates, duty to file	10180
records re inmates	10008, 10009
tuberculous inmates: advice on care from bureau of tuberculosis	412
unknown children, reports and duties re	10300 to 10303
INSTITUTIONS, STATE DIRECTOR OF: convalescent colony board	
membership	24380

J

JOISTS: housing act provisions	17256, 17264 to 17267
--------------------------------------	-----------------------

JUDGES AND JUSTICES.

fire protection district ordinance violations	14689
narcotic violation fines and imprisonments, duties re	11681 to 11685
JURY DUTY: exemption of firemen and fire company members	14855

JUSTICES OF THE PEACE.

fire protection district ordinance violations	14689
narcotic violation fines and imprisonments, duties re	11681 to 11685

K

KITCHENS.

auto camps—	
ceiling height	18403
windows	18432
definition: state housing law	15022
floor areas: apartment houses and dwellings	16054
gas ranges in: vents	16903
sinks	17580 to 17584
use for living or sleeping purposes	17702
windows and ventilation	16221 to 16235, 18432

L

LABELING. See DRUGS; FOODS.

LABORATORIES. See also CLINICS AND DISPENSARIES; LABORATORIES, CHIEF OF STATE DIVISION OF.

bacteriological and chemical: county or city	1000 to 1002
biological—	
equipment, minimum standards for	1604
licenses	1605, 1607 to 1621
state hygienic laboratory. See HYGIENIC LABORATORY, STATE.	
state laboratory for analyses and examinations of foods, drugs, devices and cosmetics	26558

LABORATORIES, CHIEF OF STATE DIVISION OF. See also DRUGS; FOODS; LABORATORIES.

drugs and devices—	
examinations and analyses of	26336, 26337
report, annual, re adulteration or misbranding	26343
reports to state department re adulteration or misbranding	26337, 26343, 26344
foods—	
reports to state board	26567
suspected foods, examinations and analyses of	26560, 26561

LICENSES, PERMITS. ETC. See also CERTIFICATES, and cross-references.

auto camps and trailer camps	18300 to 18303
aviaries	2101, 2104
biological laboratories	1605, 1607 to 1621
boilers—	
certificates of competency of inspectors	24210 to 24214
operation permits	24220 to 24226
building permits. See HOUSING ACT, STATE.	
clinics and dispensaries. See CLINICS AND DISPENSARIES.	
clothes cleaning establishments	13300 to 13324

LICENSES, PERMITS, ETC.—Continued.

	Section
dead bodies: burial, cremation, and removal permits.....	7400 to 7412
drugs, new, permits to sell and distribute.....	26288 to 26292
fire hazards, apartment house or hotel, permits re.....	17815
fireworks.....	12503 to 12509
food manufacturers, processors, etc., during temporary periods of special regulation.....	26473 to 26476
hospitals, maternity.....	1402 to 1406, 1409
motor boat races.....	2415
pharmacists: revocation upon narcotic convictions.....	1171
plumbers.....	800 to 803
plumbing: noninstallation of required fixtures.....	17452
sewage disposal permits.....	5421 to 5442
spotting, sponging, pressing establishments.....	13600 to 13616, 13650 to 13657
tanks—	
certificates of competency of inspectors.....	24210 to 24214
operation permits.....	24220 to 24226
wiping rag business.....	3950 to 3952

LIENS.

housing act, state, fines for violations of.....	17902
mosquito abatement district abatement costs.....	2284 to 2289
narcotic nuisance abatement costs.....	11789
narcotic nuisance abatement proceeding fines.....	11797
rodent eradication expenses: filing, action to foreclose, limitation, etc.....	1808 to 1812
sanitary districts (act of 1891): costs of work and improvements.....	5612
sanitary district (act of 1923) taxes.....	6747, 6787
sewer revenue bonds, districts issuing: rates for leased works.....	5061
weeds: assessments for costs of abatement.....	14912

LIFE SAVING DEVICES.....	24000 to 24004
--------------------------	----------------

LINENS. See BEDDING, BEDS, LINENS, ETC.; TOWELS, COMMON.

LIVESTOCK. See ANIMALS.

LOCAL HEALTH DISTRICTS. See HEALTH DISTRICTS, LOCAL.

LUMBER DIMENSIONS: housing act provisions.....	17268, 17269
--	--------------

M

MAGISTRATES. See JUDGES AND JUSTICES.

MARRIAGE CERTIFICATES. See MARRIAGE REGISTRATION.

MARRIAGE REGISTRATION. See also VITAL STATISTICS; VITAL STATISTICS, STATE REGISTRAR OF.

certificates—	
contents.....	10526
filing.....	10525, 10527
duty to furnish information.....	10535, 10536
registrar, state, duties of.....	10533, 10534

MATERIALS, BUILDING: housing act requirements.....	17259
--	-------

MAUSOLEUMS AND COLUMBARIUMS. See also CEMETERIES.

construction—	
general provisions.....	9600 to 9603
structural and material requirements.....	9625 to 9657
definitions and general provisions.....	9501 to 9503
enforcement of provisions.....	9525 to 9528
inspection and approval.....	9590, 9591
permits and plans—	
application and plans.....	9560 to 9564
cancellation of permit.....	9575
expiration of permit.....	9580, 9581
general provisions.....	9550, 9551

MEATS. See also FOOD.

district inspectors, qualifications of.....	941
---	-----

MECHANICS' LIENS: housing act violations, fines for.....	17902
--	-------

	Section	
MEETINGS, PUBLIC: police protection-----	20500	
METROPOLITAN FIRE PROTECTION DISTRICTS. See FIRE PROTECTION DISTRICTS, METROPOLITAN.		
MIDWIVES.		
birth certificates, duty to file-----	10179	
registration of names with local registrar-----	10004	
stillborn children, death certificates for: prohibition of signature by midwives-----	10330	
vital statistics, duty to supply information re-----	10002	
MILITARY DUTY: exemption of firemen and fire company members-----	14855	
MILK. See also FOOD.		
health districts, local, inspections by-----	936	
laboratories, county or city, examinations by-----	1000	
quarantine, delivery to places of-----	2566, 2567,	2574
MINORS. See also BIRTH REGISTRATION.		
child hygiene, bureau of-----	300 to	304
convalescent colony, state, children entitled to use of-----	24384	
finding of unknown child less than one year of age, reports and duties re-----	10300 to	10305
narcotics, employing or using a minor in unlawful transportation or sale of, etc.-----	11714	
physically handicapped children, services for-----	250 to	270
MISBRANDING. See DRUGS; FOOD.		
MISDEMEANORS. See CRIMES.		
MOSQUITO ABATEMENT DISTRICTS. See also PEST ABATEMENT DISTRICTS.		
abatement of breeding places-----	2270 to	2289
annexations-----		
boundaries-----	2335 to	2339
cities, inclusion of-----	2331	
hearing-----	2334 to	2341
notice of hearing-----	2332,	2333
order of annexation-----	2338, 2339, 2341,	2342
petition-----	2332 to 2334,	2340
territory-----	2330	
trustees, board of, effect on-----	2343	
compensation to owners for necessary damages-----	2270	
consolidations-----		
authorization-----	2360	
effect-----	2369, 2370, 2372 to	2375
election-----	2363 to	2366
name of consolidated district-----	2371	
order of consolidation-----	2367,	2368
resolution proposing consolidation-----	2361 to 2363,	2371
definitions and general provisions-----	2200 to	2205
dissolution-----		
certificate of dissolution-----	2392,	2393
election-----	2390 to	2392
indebtedness, outstanding-----	2398	
property, vesting of-----	2394 to	2397
finances and taxation-----	2290, 2300,	2301
formation-----		
boundaries-----	2210, 2218 to	2220
cities, inclusion of-----	2211,	2220
hearings, powers of supervisors, etc.-----	2216 to 2218, 2221,	2223
name-----	2223	
petition-----	2211 to 2217,	2222
funds-----	2290, 2309 to	2312
property-----		
acquisition-----	2270	
dissolution, vesting upon-----	2394 to	2397
generally-----	2270	
rat extermination-----	2290,	2291
taxation and finances-----	2290, 2300 to	2312
trustees, board of-----		
annexations, effect of-----	2343	

MOSQUITO ABATEMENT DISTRICTS—Continued.

Section

trustees, board of—continued.

appointment, qualifications, term, etc.	2240, 2242 to	2246
compensation		2248
consolidation, effect of	2369,	2370
meetings	2247, 2250 to	2253
name		2241
rat extermination, duties re		2291
secretary, compensation of		2249

MOSQUITO SCREENING: housing act provision		17808
---	--	-------

MOTOR BOAT RACES		24151
------------------	--	-------

MOTOR VEHICLES. See also AUTO CAMPS; TRAILER CAMPS; TRAILER COACHES; GARAGES.

forfeiture for transportation of narcotics	11610 to	11620
spotting, pressing, and sponging establishments	13609, 13610, 13653,	13655

MUNICIPAL CORPORATIONS. See also ATTORNEYS, CITY; FUNDS; ORDINANCES; TOWNS, UNINCORPORATED.

cemeteries, public	8126 to 8130,	8133
charges—		

fire extinguishment services extended by other government agencies		
	13051,	13052

rabies control, expenditures for special measures		1917
---	--	------

rodent eradication	1807,	1917
--------------------	-------	------

contracts—

health administration	480 to 484,	486
-----------------------	-------------	-----

fire protection services	14200 to	14205
--------------------------	----------	-------

sewer maintenance agreements	6005,	6530
------------------------------	-------	------

dentists and dental hygienists; employment, qualifications, etc.	702 to	703
earthquake protection. See EARTHQUAKE PROTECTION.		

fire hazards on state property, requests for abatement of		13104.5
---	--	---------

fire protection districts. See FIRE PROTECTION DISTRICTS.

fireworks. See FIREWORKS.

garbage disposal districts, inclusion in	4105,	4139
--	-------	------

governing bodies—

garbage dumps, sanitary district (1923), approval of		6512
--	--	------

sanitary districts (1891): duties re dissolution	5863 to	5867
--	---------	------

sanitary districts (1919): duties re dissolution	6343 to	6347
--	---------	------

health administration—

generally	500 to	509
-----------	--------	-----

county administration, provisions for	476 to 478, 480 to 484,	486
---------------------------------------	-------------------------	-----

health, board of—

advisory boards to health officers		501
------------------------------------	--	-----

plumbers' licenses, duties re	803,	804
-------------------------------	------	-----

plumbing plans, written approval of		805
-------------------------------------	--	-----

health districts, local, annexations to and inclusions in	903, 904, 919, 958,	964
---	---------------------	-----

health officers—

appointment by state department on neglect of city to provide		509
---	--	-----

generally	502 to	509
-----------	--------	-----

health nurses, employment of	600 to	601
------------------------------	--------	-----

housing. See HOUSING ACT, STATE.

laboratories, bacteriological and chemical: establishment and maintenance		1001
---	--	------

meetings, public, police protection at		20500
--	--	-------

mosquito abatement districts, inclusion in	2211, 2220,	2331
--	-------------	------

plumbing regulations, administration of		809
---	--	-----

power boats, regulations re		24151
-----------------------------	--	-------

rodent eradication	1804 to	1808
--------------------	---------	------

sanitary rules and regulations, adoption of		500
---	--	-----

sanitation districts, county—

inclusions in		4711
---------------	--	------

withdrawals from	4845.05 to	4845.13
------------------	------------	---------

sewer districts (act of 1899): connection of sewerage systems	4663 to	4666
---	---------	------

sewer districts, municipal (act of 1911). See SEWER DISTRICTS, MUNICIPAL (ACT OF 1911).		
---	--	--

sewer maintenance agreements with sanitary districts (act of 1919)		6005
--	--	------

sewer maintenance agreements with sanitary districts (act of 1923)		6530
--	--	------

sewer maintenance districts, inclusions of	4921 to	4926
--	---------	------

sewer revenue bonds. See SEWER REVENUE BONDS.

tuberculosis convalescent colonies	3325, 3326, 3340 to	3342
------------------------------------	---------------------	------

tuberculosis preventiva	3099 to	3101
-------------------------	---------	------

tuberculosis wards or hospitals	3300 to	3309
---------------------------------	---------	------

vital statistics administration	10051, 10100 to	10102
---------------------------------	-----------------	-------

MUNICIPAL SEWER DISTRICTS. See SEWER DISTRICTS, MUNICIPAL.

N

NAMES.

Section

health districts, local	918
mosquito abatement district boards of trustees	2241
police protection districts (unincorporated towns)	20035

NARCOTICS. See also DRUGS.

addicts—	
definition	11720
examination of patients by state division	11104
probation	11722
punishment	11721
sentence, suspension of	11722
treatment	11390 to 11395
aliens, convictions of	11715.5
definitions	11000 to 11013
division of narcotic enforcement—	
chief—	
appointment and compensation	11101
expenditures for obtaining evidence	11106
special counsel, employment of and fixing of compensation of	11680
examination of patients	11104
employees, generally	11103
generally	11100 to 11107
inspectors, qualifications of	11103
physician: employment, duties, right to testify	11104
prescription blanks, furnishing of	11166.05, 11166.07
enforcement—	
abatement of buildings or places used for or in unlawful sale, transportation, storing, etc.	11780 to 11797
penalties	11710 to 11717
prosecutions and disposition of fines	11680 to 11688
seizure and disposition—	
destruction or disposition by gift for medical purposes by state division	11651 to 11657
narcotics and opium pipes illegally possessed, seizure of, by peace officers	11650
order of destruction upon conviction	11651
vehicles transporting narcotics, forfeiture of	11610 to 11629
general provisions and scope	11035, 11036
hypodermics: regulations re sale, distribution, possession, etc.	11475 to 11479
labeling regulations of drugs containing certain narcotics	26254
marihuana, cultivation and possession of	11530, 11531
medical use other than treatment of addicts	11330, 11331
opium: possession of opium pipe	11555
patients: duty to submit to interview and examination by division of narcotic enforcement	11104
pharmacists: revocation of registration upon narcotic conviction	11717
physician, employment of, by state division of narcotic enforcement	11104
physicians' reports	11425, 11426
prescriptions—	
blanks, official—	
emergency use of other than official blanks	11166.08
form, numbering, printing, color, paper, etc.	11166.05, 11166.06
furnishing, free of cost, by division of narcotic enforcement	11166.05, 11166.07
mandatory use	11166.08
number furnished	11166.07
triplicates, use of	11166.09, 11166.1, 11166.11
copies	11250
emergency use of other than official blanks	11116.08
exempt narcotics	11200, 11201
generally	11160 to 11177
handwriting, must be wholly written in	11166
prescribers' records	11125 to 11127
refilling	11275
sales, permitted, without prescriptions	11570
triplicate copies, regulations re	11166.09, 11166.1, 11166.11
veterinarians	11450, 11451
violations	11178
who may write	11161
writing, manner of	11166, 11166.09, 11166.12
probation following convictions	11715.6
sale without prescription	11570 to 11576

NARCOTICS—Continued.	Section
veterinarians, regulations re.....	11450, 11451
violations—	
probation	11715.6
sentence, suspension of.....	11715.6
NATURAL RESOURCES, DIRECTOR OF: approval of exercise of super- vision, etc., over county fire protection districts by chief of division of forestry.....	14470
NOTICES (POSTING, MAILING, ETC.). See also NOTICES, PUBLI- CATION OF; REPORTS.	
biologic laboratory licenses, notices re.....	1611, 1617
caskets, sold at retail, inclosures in.....	10011
cemeteries—	
dedication, removal of.....	8581
petitions re alteration, replatting, etc., of old cemeteries.....	8708
clothes cleaning establishment licenses, revocation of.....	13322, 13323
dead bodies—	
disinterment and removal—	
applications to court, notices of, to cemetery authorities and others....	7527
intention, notice of.....	7736 to 7739
special notices to relative or friend.....	7753
interment, hearings on petitions for orders directing.....	7107
drugs—	
adulteration or misbranding, hearings re.....	26340
regulations, hearings re.....	26323
seized or quarantined, sale or disposal of.....	26362
violations by persons residing out of state: notice by district attorneys to attorney general of United States.....	26303
violations, minor.....	26332
fire protection districts, county—	
dissolution elections.....	14585 to 14589
formation elections.....	14426, 14427, 14430
formation hearings.....	14412 to 14415
ordinances.....	14461
withdrawal hearings.....	14543, 14545, 14565
fire protection districts (in one or more counties)—	
annexation hearings.....	14745
directors, elections for.....	14655
inclusions of territory.....	14725
ordinances.....	14687
fire protection districts in unincorporated areas—	
dissolution elections.....	14286
elections, generally.....	14102
formation.....	14026, 14027
withdrawals.....	14253
fire protection districts, metropolitan: formation.....	14335, 14338
foods—	
adulterated or misbranded, notice by district attorney to United States attorney general.....	26527
adulteration or misbranding, local hearings re.....	26620
permits, suspension of.....	26475
regulations, hearings re.....	26544
violation notices.....	26564, 26619
violations, warnings re minor.....	26555
garbage disposal districts—	
annexations.....	4137
contracts for garbage disposal: advertisements for bid.....	4121
health districts, local: formation petitions and hearings.....	908, 910 to 912
laboratories, biologic: notices re licenses.....	1611, 1617
mosquito abatement districts—	
abatement proceedings.....	2274 to 2279
formation, inclusion of additional territory on.....	2219
notices, generally.....	2204
police protection districts (unincorporated territory): formation.....	20313
police protection districts (unincorporated towns)—	
commissioners, notice of election of.....	20065
dissolution elections.....	20135, 20137
special tax for establishing police department, election re.....	20102, 20103

NOTICES (POSTING, MAILING, ETC.)—Continued.

Section

sanitary districts (act of 1891)—		
annexation elections		5670
bids, orders calling for		5622
bond elections		5660
formation elections		5541
regulations		5569
work or improvements	5615 to 5617,	5619
sanitary districts (act of 1919)—		
annexation elections		6090
bids, notice calling for	5983,	5984
bond elections	6075,	6076
formation elections		5941
officers, elections of		6051
regulations	5962,	5963
reorganization elections		6307
special sewer construction tax, notice of intention to levy		6187
sanitary districts (act of 1923)—		
annexation elections		6625
bond elections	6610,	6611
formation elections		6461
formation hearing, notice of, to non-appearing owners	6443,	6444
officers, elections of		6581
regulations		6490
sewage disposal permits, hearings re applications for		5426
sewer districts, municipal (act of 1911)—		
bids, advertisements for	4627,	4630
bond election ordinances		4619
sewer maintenance districts—		
annexations		4898
formation		4875
sewer revenue bonds: hearings re sewer work and bond issuance	4972,	4973
spotting, sponging, and pressing establishment licenses, revocation of		13615
vehicles transporting narcotics: seizure and intended forfeiture proceedings		11613
weeds—		
expenses of abatement, reports on	14906,	14907
notices to destroy	14891 to	14897
seasonal and recurrent weeds: post card notice to property owners re abatement		14900.6

NOTICES, PUBLICATION OF. See also NOTICES (POSTING, MAILING, ETC.); PUBLICATIONS, EDUCATIONAL INFORMATION, ETC.; REPORTS.

cemeteries—		
alteration and replating of old cemeteries, petitions re		8707
dedication, removal of		8581
funds, petition for transfer of		7933
lands, hearing of confirmation of sale of		7902
cemetery districts, public—		
annexations		9050
formation		8910
withdrawals		9077
dead bodies, notice of intention to disinter	7735,	7736
fire protection districts, county—		
annexation hearings	14511,	14512
consolidation hearings	14526 to	14528
dissolution elections	14585 to	14589
dissolution hearings		14582
formation elections	14426, 14427,	14429
formation hearings	14411, 14413 to	14415
ordinances		14461
withdrawal hearings, generally		14564
withdrawals upon inclusion in city	14544,	14545
fire protection districts (in one or more counties)—		
annexations		14736
dissolution		14762
formation	14612 to	14616
formation elections	14631 to	14633
ordinances		14687

NOTICES, PUBLICATION OF—Continued.

Section

fire protection districts in unincorporated areas—

dissolution elections	14285
dissolution hearings	14278
elections, generally	14102
formation petitions and hearings	14026, 14027
inclusions	14230
reorganizations	14303
withdrawals of lands	14253

fire protection districts, metropolitan—

bond elections	14347
formation	14335 to 14339

garbage disposal districts—

annexations	4137
contracts for garbage disposal: advertisements for bids	4121
dissolution	4161
formation	4106 to 4108
withdrawals	4145
garbage disposal franchises, county advertisements for bids on	4201

health districts, local—

annexation elections	960
dissolution elections	968
formation petitions and hearings	907, 910 to 912

mosquito abatement districts—

annexations	2332, 2333
dissolution	2391
formation petitions and hearings	2212 to 2215, 2219
funds, additional, elections for	2304
notices, generally	2204

pest abatement districts—

dissolution	2920
formation	2828

police protection districts (unincorporated territory): formation

police protection districts (unincorporated towns)—

dissolutions	20133
election re special tax for establishing police department	20102, 20103
formation	20028, 20029

sanitary districts (act of 1891)—

annexation elections	5670
bids, orders calling for	5622
bond elections	5660
formation elections	5541
regulations	5569
work or improvements	5617

sanitary districts (act of 1919)—

annexation elections	6090
bids, notices calling for	5983, 5984
bond elections	6075, 6076
formation elections	5941
regulations	5962, 5963
reorganization elections	6307, 6308

sanitary districts (act of 1923)—

annexations by elections	6625, 6844
annexations without election, petitions for	6875
bond elections	6610, 6611
formation elections	6461
formation hearings, notices of, to non-appearing owners	6443
formation petitions	6425, 6426
regulations	6424, 6490
reorganizations	6813

sanitation districts, county—

bids, advertisements for	4757
city withdrawal elections	4845.08
engineers' report, notice of hearing of	4751
formations	4713, 4716
unincorporated territory withdrawal elections	4845.23

sewer districts (act of 1899): formation

sewer districts, municipal (act of 1911)—

bids, advertisements for	4627, 4630
bond election ordinances	4619
formations	4610

NOTICES, PUBLICATION OF—Continued.

Section

sewer maintenance districts—	
annexations	4899
exclusions of territory	4908
formations	4874
sewer revenue bonds—	
construction contracts over \$500: advertisements for bids	5012
hearings re sewer work and bond issuance	4971, 4973
ordinances, resolutions or orders fixing rates for use of works of districts	5047
vehicles transporting narcotics: seizure and intended forfeiture proceedings	11613
vital statistics, notices of hearings to establish	10604

NUISANCES.

public—	
auto camp or trailer camp nuisances—	
abatement	18201, 18202
definition	18104
cesspools: authority of districts issuing sewer revenue bond to declare nuisance	5009
fire nuisances in clothes cleaning establishments, abatement of, by state fire marshal	13253
fire nuisances in spotting, sponging and pressing establishments, abatement of, by state fire marshal	13553
mausoleums and columbariums illegally erected	9676
mosquito breeding places, abatement of, by mosquito abatement districts	2270 to 2283
public health department powers re injunction and abatement of	205, 206
sewerage disposal systems of areas in county sanitation districts	4762
sewage disposal, violations re	5444
swimming pools, unsanitary	24106, 24107
weeds. See WEEDS, HAZARDOUS.	
public or private—	
housing act enforcement, abatement under	15290 to 15300
narcotic nuisances—	
abatement and injunction proceedings	11781 to 11797
buildings and places defined as	11780

NURSES.

hypodermic syringes or needles, obtaining and possessing	11477
infectious, contagious or communicable diseases, reports to health officers re	2573
public health nurses, county or city	600 to 603

O

OATHS, OFFICIAL: fire companies in unincorporated towns, secretaries of 14838

OFFICERS AND EMPLOYEES, PUBLIC. See also HEALTH OFFICERS; PEACE OFFICERS. For officers and employees of particular districts or agencies, see names of districts or agencies.

deputies, performance of duties by	7
tenure under code	3

OFFICES: health officers, local health district 941

OFFICIAL. See subject (e. g. SEALS, OFFICIAL).

ORDINANCES.

city—	
earthquake protection	19101, 19122
explosives	12003, 12304, 12402
fire protection districts, county: inclusion	14401
fireworks	12505
health administration, county, consent to	476, 477
housing	15153
housing act enforcement	15254
human remains: removal of all remains from cemeteries	7600, 7700, 7701
mausoleums and columbariums, enforcement of provisions re	9527, 9528
public health and sanitation	480
sewer districts (act of 1911) bond elections	4615 to 4617, 4619
wiping rag business, regulation of	3950

ORDINANCES—Continued.

Section

county—	
earthquake protection	19101, 19122
explosives	12003
fireworks	12505
health, preservation of, in unincorporated territory	450
housing	15153, 18600
housing act enforcement	15254
public health and sanitation	480
mausoleums and columbariums, enforcement of provisions re	9527, 9528
wiping rag business, regulation of	3950
district. See name of particular district (e. g. FIRE PROTECTION DISTRICTS IN UNINCORPORATED AREAS).	

P

PACKING MATERIALS, INFECTED.

cleansing and disinfecting—	
approval by state department of agriculture and state department of public health	3751
inspection costs	3752
“filthy, contaminated, or unsanitary packing material” defined	3750
packing with, for delivery or transportation, a misdemeanor	3753

PAINTING, CALCIMINING, PLASTERING, ETC.

garages	17021
housing act provisions	17804 to 17807
shop, paint: prohibited in apartment house or hotel	17704
vent shafts, plaster requirement for	16821

PARRAKEETS. See AVIARIES.

PEACE OFFICERS. See also POLICE; POLICE PROTECTION DISTRICTS; SHERIFFS.

explosives, forfeitures re	12005
powers of, exercise by—	
cemeteries, private, persons in charge of	8325
fire protection districts in one or more counties, officers of fire companies of	14686
fire protection districts in unincorporated areas, officers of fire companies of	14088
food and drug inspections, chief of bureau of	26329, 26551
health officers and deputies of local food protection and enforcement divisions	26618
narcotic enforcement, division of, chief and inspectors of	11105
public health, state board of: agents and inspectors	26329, 26551
rabies control, powers and duties re	1906 to 1908
vehicles transporting narcotics, seizure of	11611
wiping rags, inspections of	3902

PENALTIES, FINES, ETC. See also CRIMES; DAMAGES.

drug administration enforcement	26385
explosives—	
sales records	12107 to 12109
transportation regulations	12304, 12305
unlawfully possessing, knowingly	12353
fire companies in unincorporated towns: violations of by-laws and regulations	14835
food violations	26605
housing act violations	17902
narcotic nuisance abatement proceedings	11790, 11797
rabies control violations	1915
sanitary districts (act of 1919): violations of regulations	6293
sewage disposal violations	5460, 5461
sewer revenue bonds: collection of penalties for use of district works	5053
spotting, sponging, and pressing establishments	13657

PENOLOGY, STATE DEPARTMENT OF. See NARCOTICS—division of narcotic enforcement.

PENTHOUSES: housing act provisions

16416 to 16422

PERMITS. See LICENSES, PERMITS, ETC.

Section

PEST ABATEMENT DISTRICTS. See also MOSQUITO ABATEMENT DISTRICTS; WEEDS.

annexations	2900
boundaries	2822, 2830, 2900
definitions and general provisions	2800 to 2802
dissolution	2920 to 2922
formation—	
boundaries	2822, 2830
hearing, powers of supervisors, etc.	2828 to 2831
name	2831
petition	2822 to 2827
funds	2873, 2874, 2922
taxation	2870 to 2872, 2921
trustees, board of: appointment, general powers and duties	2850 to 2853

PETITIONS. See also ACTIONS AND PROCEEDINGS; LICENSES.

alcoholic beverages: "dump sheets," petition for delivery of	26352
cemeteries—	
care, alteration, replatting, etc.	8702 to 8706
funds, transfer of, for care of reinterred remains	7933
lands, confirmations of sales of	7902, 7903
cemetery districts, public—	
annexations	9026, 9027
withdrawal of territory	9076
drugs—	
condemnation proceedings	26366
violations, verified petition re	26380
fire protection districts, county—	
dissolution	14581, 14582
withdrawal of territory	14561, 14562
fire protection districts (in one or more counties)—	
annexations	14736, 14740 to 14744
boundaries, change of, when area is incorporated	14811
dissolution, generally	14761
dissolution when area is incorporated	14801
formation	14610, 14621
inclusions of territory	14721 to 14727
fire protection districts in unincorporated areas—	
dissolution	14276
formation	14025
inclusions of contiguous territory	14227 to 14230
reorganization	14301 to 14303
withdrawal of lands	14251
food—	
condemnation proceedings	26586
violations	26600
garbage disposal districts—	
annexations	4136, 4137
dissolution	4161 to 4163
withdrawals	4144 to 4146
health districts, local—	
annexations	959
formation	901, 902, 905, 906
interment, petition for order directing performance of, by person having duty or by coroner	7105, 7106
mosquito abatement districts—	
annexations	2331 to 2332
formation	2211 to 2217, 2222
pest abatement districts—	
annexations	2900
formation	2823 to 2828
physically handicapped children, services for	254, 255
police protection districts (unincorporated towns)—	
dissolution	20130 to 20134
formation	20026
sanitary districts (act of 1891)—	
annexations	5840 to 5852
formation	5520 to 5525
sanitary districts (act of 1919)—	
annexations	6326 to 6329
formation	5925 to 5928

PETITIONS—Continued.

Section

sanitary districts (act of 1923)—		
annexations by election	6840 to	6844
annexations without elections	6871 to 6876,	6880
formation	6420 to	6425
reorganization	6811 to	6813
sewer districts (act of 1899): formation	4660,	4661
sewer maintenance districts—		
dissolution	4916 to	4919
exclusions of territory	4906,	4907
sewer revenue bonds—		
election re proposed works, petition for		4975
rates for use of works of districts, increasing of		5042
sewerage disposal permits	5421 to	5423
vital statistics records: petitions to establish by court order	10600 to	10602

PHARMACISTS. See DRUGS; NARCOTICS; PHARMACY, STATE BOARD OF.

PHARMACY, STATE BOARD OF.

hypodermics, permits re sale of	11478
narcotic convictions, revocation of registrations for	11717

PHYSICIANS. See also DRUGS; NARCOTICS.

birth certificates, duty to file	10178
dead bodies, removals of, to out of state points: certificate to accompany permit	7552
death registrations, medical certificates for, duties re	10400 to 10405
deaths, reports of	10426
infectious, contagious or communicable diseases, reports to health officers re	2573
registration of names with local registrar	10004
stillborn children, duty re medical certificates of cause of death	10328
vital statistics, duty to supply information re	10002

PHYSICALLY HANDICAPPED CHILDREN. See MINORS.

PLASTERING. See PAINTING, CALCEMINING, PLASTERING, ETC.

PLUMBERS, PLUMBING, ETC. See also AUTO CAMPS, TRAILER CAMPS, TRAILER COACHES; BATHTUBS AND SHOWERS; CESSPOOLS; HOUSING ACT, STATE; SEWERS; TOILETS.

fixtures: housing act enforcement agencies' powers and duties re	17452, 17457, 17466, 17484,	17534
housing act provisions. See HOUSING ACT, STATE— <i>plumbing fixtures.</i>		
licensing and regulation	800 to	811

POLICE. See also PEACE OFFICERS; POLICE PROTECTION DISTRICTS; SHERIFFS.

explosives, forfeitures re, suits for	12005
explosives sales records, inspections of	12106
meetings, public, protection at	20500
powers of, exercise by state fire marshal and assistant or deputy state fire marshals	13103

POLICE PROTECTION DISTRICTS (UNINCORPORATED TERRITORY).

administration	20330,	20331
definitions	20300,	20301
formation—		
authorization, composition, etc.	20310,	20311
boundaries	20310, 20311, 20313, 20315 to	20317
hearing	20312 to	20317
notice of hearing	20313,	20314
petition	20311, 20312,	20315
protests	20315	
taxation	20332	

POLICE PROTECTION DISTRICTS (UNINCORPORATED TOWNS).

board of commissioners—		
election, organization, compensation, etc.	20060 to	20069
powers and duties	20070 to	20081
definitions and general provisions	20000 to	20005

	Section
POLICE PROTECTION DISTRICTS (UNINCORPORATED TOWNS)—	
Continued.	
dissolution—	
authorization	20130
election	20134 to 20140
funds, division of	20142, 20143
hearing	20132 to 20134
petition	20131, 20132
property, vesting of	20141, 20143
employees	20071
formation—	
authorization, composition, etc.	20025, 20026
boundaries	20025, 20026, 20028, 20032, 20033
hearing	20027, 20031, 20033, 20037
name	20035
notice of hearing	20028, 20029
objections	20030 to 20033
order of establishment	20034 to 20036
police department, establishing, equipping, maintaining of	20072 to 20075, 20101 to 20112
property—	
acquisition of and disposal of	20072 to 20076
dissolution, effect of	20141 to 20143
rules and regulations	20070
taxation—	
generally	20101 to 20113
property, special tax for purchase of	20075
POLLUTION.	
private property and public places	4475
waters—	
domestic supplies	203, 4450 to 4457, 5412, 5415 to 5416, 5441 to 5445
navigable waters	4400 to 4404, 5412, 5414, 5416, 5441 to 5445
salt waters	5418
sewage disposal, generally	5410 to 5464
violations	4475, 4485, 5443, 5444, 5460 to 5464
PORTIERES, CURTAINS, ETC: use as partitions	17707
POST MORTEM EXAMINATIONS: unclaimed dead	7205, 7206
POULTRY.	
apartment houses or hotels, keeping in or near	17816
dwellings, keeping in or near	17817
POWER BOATS	24150, 24151
PRESCRIPTIONS. See DRUGS; NARCOTICS.	
PRESUMPTIONS. See also EVIDENCE.	
cemetery plots, ownership in	8600
explosives, reckless and malicious possession of, from unlawful possession ..	12352
PRISONS, STATE: gifts to, of narcotics for medical purposes, by state divi-	
sion of narcotic enforcement	11655
PRIVATE PROPERTY: pollution	4475
PRIVIES. See also CESSPOOLS; PLUMBERS, PLUMBING, ETC.;	
TOILETS.	
construction and maintenance	5414, 5420, 17453 to 17455
PROBATION.	
narcotic addicts	11722
narcotic convictions	11715.6
PUBLIC CEMETERY DISTRICTS. See CEMETERY DISTRICTS.	
PUBLIC,	

PUBLIC HEALTH, STATE BOARD OF. See also **PUBLIC HEALTH, STATE DEPARTMENT OF; PUBLIC HEALTH, STATE DIRECTOR OF.**

appointment, meetings, powers, etc.	101 to	113
chief of bureau of food and drug inspections: appointment		26559
clinics and dispensaries—		
annual report re	1234 to	1235
records re		1230
rules and regulations re		1231
drug administration—		
generally	26321 to	26385
hearings re adulteration or misbranding	26340 to	26342
reports—		
governor, report to		26344
minor violations		26332
publication		26333
foods—		
administration—		
generally	26540 to	26605
local	26615 to	26624
bureau of food and drug inspections—		
assistants, employment of		26559
chief, appointment of		26559
poisonous ingredients, promulgation of regulations re		26471
regulations for local administration, prescribing of		26624
regulations re quality, identity, etc., promulgation of	26540 to	26544
temporary regulations arising from distribution of contaminated foods	26473 to	26476
violations, reports of, to district attorneys	26554,	26555

PUBLIC HEALTH, STATE DEPARTMENT OF. See also **PUBLIC HEALTH, STATE BOARD OF; PUBLIC HEALTH, STATE DIRECTOR OF.**

appointments—		
child hygiene, chief of bureau of		301
dental hygiene, chief of bureau of		351
hygienic laboratory, state, chief of		376
sanitary engineering, chief of bureau of		401
tuberculosis, chief of bureau of		411
vital statistics, state registrar of		10026
approvals—		
bacteriological and chemical laboratories: personnel and equipment		1002
packing materials, cleansing and disinfecting of		3751
sewer plants, persons to take charge of		5432
tuberculosis preventoria maintained by city, county, or group of counties		3100
aviaries, powers and duties re	2101 to	2105
biologies—		
licensing of laboratories	1605, 1607 to	1620
rules and regulations, promulgation of	1603, 1604,	1606
child hygiene, bureau of: organization, powers, duties, etc.	300 to	304
common towels—		
sanitary provisions, enforcement of		3802
sterilization, prescribing of methods of		3801
cups, common drinking, enforcement of sanitary provisions re		3703
dead bodies—		
communicable diseases, duties re bodies dead from		7050
unclaimed dead, powers and duties re	7200 to 7202, 7205 to	7207
dental hygiene, bureau of: organization, powers, duties, etc.	350 to	354
employees		110
establishment, organization, etc.	100 to	114
hygienic laboratory, state: organization, powers, duties, etc.	374 to	377
maternity hospitals: permits, rules and regulations, etc.	1404 to	1409
mausoleums and columbariums: duties re permits and plans	9560 to	9575
physically defectives' revolving fund, duties re		263
physically handicapped children, powers and duties re	252, 253, 256 to	267
powers, generally	200 to	210
public health nurses' qualifications, prescribing of	600,	602
quarantine of diseases: powers and duties, generally	2521 to	2524
rabies control—		
anti-rabic virus, powers and duties re		2000
powers and duties, generally	1902 to 1905, 1907, 1912, 1914, 1916,	2000
railway inspections re introduction of diseases	1700 to	1703

PUBLIC HEALTH, STATE DEPARTMENT OF—Continued.		Section
reportable diseases, listing of	-----	2571
rodent eradication, powers and duties re	-----1804 to	1806
sanitary engineering, bureau of	-----400 to	401
sewage disposal permits, powers and duties re	-----5421 to	5442
swimming pool sanitation, powers and duties re	-----24101 to	24105
tuberculosis, bureau of	-----410 to	414
vital statistics bureau, maintenance of	-----	10025
vital statistics, powers and duties re	-----10000,	10032

PUBLIC HEALTH, STATE DIRECTOR OF. See also **PUBLIC HEALTH, STATE BOARD OF; PUBLIC HEALTH, STATE DEPARTMENT OF.**

appointment	-----	107
clinics and dispensaries—		
inspection	-----	1226
permit applications, duties re	-----1222,	1223
permit fees, reports re	-----	1241
convalescent colony board membership	-----	24380
duties	-----106, 109 to	112
qualifications	-----	104
records and reports	-----	112
salary	-----	107
vital statistic fees, fixing of	-----10625,	10626

PUBLIC MEETINGS: police protection	-----	20500
---	-------	-------

PUBLIC PLACES.

explosives, exploding or attempting to explode at or near	-----	12354
explosives, transportation of	-----	12304
pollution	-----	4475

PUBLIC WORKS: damage by districts issuing sewer revenue bonds	-----	5007
--	-------	------

PUBLICATIONS, EDUCATIONAL INFORMATION, ETC. See also **NOTICES, PUBLICATION OF; REPORTS.**

child hygiene	-----	302
clinics and dispensaries	-----	1235
dental hygiene	-----	352
drugs	-----26272,	26334
explosives	-----	12004
fire prevention	-----	13105
foods	-----26556,	26557
sanitation districts, county: engineer's report	-----	4753
swimming pools, reports of inspections of, by state department of public health	-----	24105
tuberculosis	-----	412

Q

QUARANTINE OF DISEASES. See also **COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES; TUBERCULOSIS.**

aviaries	-----	2105
destroyed property, compensation for	-----	2558
exposure of afflicted person by self or other person a misdemeanor	-----	2601
health districts, local: regulations	-----	936
health officers—		
definition	-----	2500
powers and duties	-----2554 to	2574
reports to county health officers	-----	2572
reports to state department—		
generally	-----2560, 2568 to	2571
telegraphic: diseases subject to	-----2569,	2574
time limitation	-----2569 to 2570,	2574
persons subject to: rules and regulations re	-----2563 to 2565,	2574
placard to be posted at places of quarantine	-----2561,	2574

QUARANTINE OF DISEASES—Continued.

Section

places of quarantine—	
establishment—	
by a county or city against another county or city	2557
by health officers	2559, 2574
by state department	2521
generally	2521, 2556, 2559
milk distribution, rules re	2566, 2574
obedience to rules and regulations	2562
outside services, person to perform: appointment, rules re	2563, 2574
placard to be posted: description; rules, etc.	2561, 2574
raising of quarantine	2565, 2574
public health, department of: powers and duties	2521 to 2524
rabies control	1903, 1905
railways	1702
raising of quarantine, rules re	2565, 2574
reportable diseases	2554, 2569, 2571, 2574
reports by health officers	2560, 2568 to 2572
reports by physicians, nurses, clergymen, visiting persons, etc.	2573
rules and regulations of state department—	
enforcement	2555
violations	2600, 2602
sanitary districts (act of 1891)	5600
school attendance, rules re	2564

R

RABIES.

anti-rabic virus	2000
control of—	
boards of health and peace officers, powers and duties of	1906 to 1908
definitions	1900, 1901
generally	1900 to 1918
inspections of premises	1908
quarantine	1903, 1905
special measures to supplement local action	1916

RAGS. See WIPING RAGS.

RAILROAD COMMISSION, STATE: explosives, powers re 12004

RAILROADS. See also COMMON CARRIERS; TRANSPORTATION.

inspections re introduction of contagious or infectious diseases	1700 to 1703
--	--------------

RATS. See RODENT ERADICATION.

RECORDERS, COUNTY. See also RECORDING, FILING, ETC.

death certificates, mailing of, to local registrar	7401
fire protection districts (in one or more counties): recordations without fee	14750, 14764, 14815, 14816
marriage registration, duties re	10113, 10527 to 10532

RECORDING, FILING, ETC. See also RECORDERS, COUNTY; RECORDS; VITAL STATISTICS.

apartment houses and hotels, records re, with housing authorities	15315 to 15319
birth certificates—	
adopted children	10251
generally	10175, 10176, 10576, 10577, 10607
legitimated children	10276, 10277
buildings—	
building permits, applications for	15352 to 15354
final completion, certificates of, applications for	15381
occupancy, permits of	15382, 15383
burial and cremation permits	7407, 7411, 7412, 8112
burials with permits issued outside county, reports of, by boards of health or health officers	7409
cemeteries—	
old cemeteries, petitions re care, alteration, replatting, etc.	8706
perpetual care cemeteries reports	8742
property, declaration of intention to acquire	8526, 8553
property to be dedicated, map of	8551, 8553
removal of all remains, declarations reciting	7904
surveys, descriptions and orders constituting lands as public cemeteries	8125

RECORDING, FILING, ETC.—Continued.

Section

cemetery association articles of reincorporation	8803,	8805
cemetery districts, public, orders approving formation of		8941
death certificates—		
burial and removal permits, filing of death certificates prior to issuance of	7401, 7405, 7406,	10454
funeral directors, duties of	10450 to	10454
unknown persons, when identified	10500,	10501
drugs: application for permit to sell new drug		26288
fire companies in unincorporated towns: organization, certificates of		14825
fire hazards, apartment house or hotel, permits re		17815
fire protection districts, county: city inclusion ordinances		14401
fire protection districts (in one or more counties)—		
annexations, findings re		14750
dissolution, resolutions of, when area is incorporated	14815,	14816
exclusions, resolutions of, when area is incorporated	14815,	14816
formation, orders of		14638
fire protection districts, metropolitan—		
formation: statement re adoption or rejection of resolution of intention		14333
inclusions, property owners' assents to		14343
health districts, local—		
annexations, certificates of		962
dissolution, certificates of		969
formation—		
order of		920
petition and notice of hearing		909
housing act violations, judgments imposing fines for		17902
marriage certificates	10525, 10533, 10576, 10577,	10607
mosquito abatement districts—		
annexation, orders of		2341
consolidations, orders of		2367
organization, order of		2224
narcotics—		
prescriptions	11172,	11175
sales of, without prescriptions: orders, contracts, etc.		11574
vehicles transporting narcotics, notice of seizure and intended forfeiture proceeding re		11612
pest abatement districts: formation, orders of		2832
plumbing—		
drawings, etc., for buildings, with city boards of health	806,	807
permits for noninstallation of required fixtures		17452
rodent eradication expense liens		1808
sanitary districts (act of 1891): annexation petitions		5847
sanitary districts (act of 1919): annexation petitions		6332
sanitary districts (act of 1923): annexation petitions		6850
sanitation districts, county—		
city withdrawals, resolutions of		4845.1
dissolution, resolutions of		4853
sewer districts (act of 1899): formation petitions		4660
sewer maintenance districts, resolutions of		4890
sewer revenue bonds: affidavits of publication of notices of sewer work		4973
spotting, sponging, and pressing establishments: statements as to ownership of motor vehicles and contracts re operation		13653
unknown children, certificates of finding of		10304
vital statistics, generally—		
amended certificates and affidavits re facts	10576,	10577
orders establishing		10607

REFUSE. See GARBAGE AND REFUSE.

RECORDS. See also RECORDING, FILING, ETC.; REPORTS; VITAL STATISTICS.

alcoholic beverages: "dump sheets"		26552
apartment houses and hotels	15315 to	15319
auto camp registers		18480
caskets, sales of, to persons other than dealers or funeral directors		10010
cemeteries, private	7500, 8330,	8331
cemeteries, public	7500,	8128
clinics and dispensaries: list of, etc., by public health director		1230
departmental proceedings		112
explosives, sales of	12100 to	12106
fire companies in unincorporated towns	14839,	14841
fire hazards, apartment house or hotel, filed copies of permits re		17815

RECORDS—Continued.

	Section
fire protection districts, county	14455.3
hospitals, almshouses, public and private institutions: all inmates	10008, 10009
narcotics—	
prescribers' records	11225, 11226
prescriptions	11175
violation fines and imprisonments, by judges and magistrates	
	11682 to 11684, 11688
physically handicapped children, by public health department	252, 260
plumbing licenses, by city board of health	803
police protection districts (unincorporated towns)	20078
sewage disposal permits, hearings re applications for	5424
unclaimed dead	7201, 7204
vital statistics. See VITAL STATISTICS.	
wiping rag business permits	3952

REPEALS ----- 40000 to 40008

REPORTS. See also NOTICES (POSTING, MAILING, ETC.);
NOTICES, PUBLICATION OF; PUBLICATIONS;
RECORDS.

alcoholic beverages, effect of: by public health department	210
alien narcotic violations or convictions to United States deportation agency	11715.5
burials, generally	7408
burials with permits issued outside county by board of health or health officer	7409
casket sellers to state registrar of vital statistics	10010
cemeteries—	
names of persons interred	7408
perpetual care cemeteries	8742, 8745
trustees' report re perpetual care fund	8734
cemetery districts, public, trustees of	8990, 9004
city governing bodies: health officers, appointment of	503
clinics and dispensaries—	
annual reports to state board	1233
permit fees by state director to state controller	1241
state board annual reports	1234, 1235
clothes cleaning establishments: fires and explosions	13404
convalescent colonies, county or city: annual report to state bureau of tuberculosis	3326
county supervisors: health officers, appointment of	456
diseases, reportable	2554, 2569, 2571, 2574
departmental proceedings	112
drugs and devices—	
adulteration or misbranding: report, annual, of chief of division of laboratories	26343
seizure and quarantine by bureau of food and drug inspections to state board	26363
violations by state board of public health to district attorneys	26331
fire marshal, state—	
incendiary fires to district attorneys	13107
monthly and annual reports to governor	13110
foods—	
food and drug inspections, chief of bureau of	26567, 26568, 26583
laboratories, chief of division of	26561, 26567, 26568
public health, state board of, to governor	26568
violations re adulteration or misbranding by chief of bureau of food and drug inspection to state board	26562
violations reports to district attorneys by state board	26554, 26555
health officers, city—	
appointment of, by city governing body	503
plumbers, licensed, listing of	804
sanitary conditions, diseases, etc., to state department	505 to 508
health officers, county—	
appointment of, by supervisors	456
health law violations to state department	453
health officers, town: health law violations to state department	492
narcotics—	
aliens: violations or convictions to United States deportation agency	11715.5
physicians' reports re	11395, 11425, 11426
sales without prescription	11574, 11576
public health department to legislature	209 to 210

REPORTS—Continued.

Section

public health director to state controller re clinics and dispensaries permit fees	1241
quarantine of diseases—	
reports by health officers to state department	2560, 2568 to 2572
reports by physician, nurses, clergymen, visiting persons, etc.	2573
sanitary districts (act of 1923): budget and tax rate to county supervisors	6785
sanitation districts, county: engineers	4748 to 4753
sewage disposal: reports of permit holders to state department of public health	5440
spotting, sponging, and pressing establishments to state fire marshal—	
changes in location or ownership	13687
fires and explosions	13688
purchases of all volatile and inflammable products	13688
tank and boiler inspections	24214
tuberculosis, bureau of: annual rating to each institution for tuberculosis ..	414
tuberculosis preventoria receiving state aid	3101
vital statistics: local registrars to state registrar	10119, 10120
weeds, expenses of abatement of, by abating agency	14905 to 14915

REVENUE BONDS. See SEWER REVENUE BONDS; and for bonds of particular districts, see names of districts (e. g. SANITATION DISTRICTS, COUNTY).

REWARDS: human remains: information re disinterment, removal, or transportation in violation of provisions re	7559
---	------

RIGHTS OF WAY.

sanitary districts (act of 1923)	6514
sanitation districts, county	4759
sewers and drainage, abandonment of rights of way for	5400

RODENT ERADICATION.

definitions	1800 to 1802
generally	1800 to 1806
health districts, local, extermination by	936
infested places, duties of persons possessing	1803, 1806
inspections and investigations	1804
mosquito abatement districts, extermination of rats by	2290, 2291
powers and duties of state department, county supervisors, local health officers, etc.	1804 to 1860

ROOFS.

fireproof buildings	17281
live load	17258
maintenance, generally	17801

ROOMS, RENTED: gas illumination	19600
---------------------------------------	-------

RULES AND REGULATIONS.

biologics	1603, 1604, 1606
cemeteries, private	8300 to 8309
cemeteries, public	8133
cemetery districts, public	8964
clinics and dispensaries	1231
clothes cleaning establishments: by state fire marshal	13252
dead bodies: embalming, cremation, interment, disinterment and transportation	7050
drugs	26321 to 26323
explosives—	
county supervisors, powers of	851
railroad commission, powers of	12004
fire companies in unincorporated towns	14835
fire protection	13108
fire protection districts, county	14440, 14450, 14455.4, 14470
fire protection districts (in one or more counties)	14681
fireworks	12509
foods—	
generally	26540 to 26544
local inspections and enforcement divisions	26624
poisonous ingredients	26471
garbage disposal districts	4120

RULES AND REGULATIONS—Continued.

	Section
health districts, local	936
ice for public use or consumption	4005
maternity hospitals	1407
police protection districts (unincorporated towns)	20070
public health department, state	208
quarantine of diseases	2555, 2559,
serums	1603, 1604,
sewer revenue bonds: use of sewer works	5006
spotting, sponging and pressing establishments: formulation by state fire marshal	13552
swimming pool sanitation	24102 to 24105
tuberculosis hospitals receiving state aid	3300, 3306
vaccines	1603, 1604,
vital statistics	10000, 10005

S

SALARIES. See COMPENSATION, SALARIES, WAGES, ETC.

SALES.

alcoholic beverages: refilled packages prohibited	26517
biologics	1602
bonds—	
county sanitation districts	4792, 4799
metropolitan fire protection districts	14354
sewer districts, municipal (Act of 1911)	4623
sewer revenue bonds	4986, 5002
by-products	4744, 5008
caskets	10010, 10011
cemetery lands	7900 to 7903
cemetery plots—	
generally	8570 to 8572
newly created, in old cemeteries	8711
reinterments, plots, crypts or niches for	7951, 7952
convalescent colony, products of lands of	24385
drugs. See DRUGS; NARCOTICS.	
explosives	12100 to 12108
fire equipment, non-standard	13028
fireworks	12503 to 12505, 12508, 12511
foods. See FOODS.	
hypodermics	11475 to 11479
ice for human use or consumption	4000, 4001, 4003, 4004
narcotics. See NARCOTICS.	
parrakeets	2103
sanitation districts, county: by-products	4744
serums	1602
sewer revenue bonds	4986, 5002
sewer revenue bonds, by-products of districts issuing	5008
vaccines	1602
wiping rags	3902, 3953

SANITARY DISTRICTS (ACT OF 1891).

annexations—	
authorization	5840
bond for election costs	5843, 5844, 5851
election	5844 to 5852
order of annexation	5849, 5850
petition	5841 to 5844
annexed territory, sewers for: issuance of bonds for construction	5700
bonds—	
exchange	5710 to 5713
generally	5680 to 5693
sewers for annexed territory, issuance of bonds for construction of	5700
construction of sewers	5592, 5597, 5610 to 5623
definitions	5500 to 5505
dissolution—	
election	5860
ex officio board, powers and duties of	5863 to 5867
indebtedness, outstanding	5862 to 5864
property, vesting of	5861

SANITARY DISTRICTS (ACT OF 1891)—Continued.

Section

elections—		
annexations	5670 to	5672
bond elections	5660 to 5662, 5683, 5684, 5692,	5693
generally	5630 to	5637
expenditures	5819,	5820
formation—		
boundaries	5521, 5524,	5545
election	5523 to	5546
order of formation		5545
petition	5520 to	5523
funds—		
bond fund	5815, 5816,	5818
expenditures	5819,	5820
finances for violations of regulations and orders of board		5827
generally	5815 to	5828
moneys received after dissolution		5826
running expense fund	5817, 5818,	5827
sewer construction fund	5821 to	5825
improvement act of 1915, applicability of	6016 to	6018
officers and board—		
assessor	5524, 5544, 5560, 5573 to	5576
election	5650 to	5652
engineer		5734
generally	5524, 5544, 5560 to	5576
president	5565,	5566
secretary	5565, 5566,	5617
treasurer	5819 to	5823
powers, generally	5590 to	5601
property—		
dissolution, vesting upon		5861
generally		5593
regulations, general	5569,	5570
Stats. 1885, Ch. 153, application of	5612 to	5614
taxation and finances—		
assessments by district assessor	5750 to	5754
collection	5780 to	5787
dissolution of district	5862 to	5867
equalization of assessments	5760 to	5764
generally	5730 to	5739
levies	5770 to	5772
redemption	5800 to	5805
work and improvements, contracts re, etc.	5610 to	5623

SANITARY DISTRICTS (ACT OF 1919).

annexations—		
authorization		6325
bond for election costs	6328, 6329,	6336
election	6328 to 6333, 6336,	6337
order of annexation	6334,	6335
petition	6326 to	6329
bonds—		
exchange	6150 to	6153
generally	6105 to	6119
reconstruction bonds		6140
cities, sewer maintenance in		6005
construction of sewers	5982 to 5986, 5989, 6015 to	6018
contracts	5958, 5983, 5984, 5986, 6005,	6345
definitions	5901 to	5906
dissolution—		
authorization		6340
election		6340
ex officio boards, powers and duties of	6343 to	6347
indebtedness, outstanding	6342 to	6344
property, vesting of		6341
elections—		
annexations	6090 to	6093
bond elections	6075 to	6078
generally	6030 to	6038
officers, elections of	6050 to	6063
expenditures, generally	6289,	6290
finances for violations of regulations		6293

SANITARY DISTRICTS (ACT OF 1919)—Continued.

Section

formation—		
boundaries	5929,	5945
election on formation and for officers	5929 to	5946
order of formation		5930
petition	5925 to	5928
funds—		
bond fund	6280,	6281
generally	6280 to	6294
running expense fund	6282, 6283,	6293
sewer construction fund		6291
improvement act of 1911, applicability of	6016 to	6018
officers and board—		
assessor	5966,	5967
generally	5950 to	5967
president	5957,	5958
secretary	5957, 5958,	5961
treasurer	6286, 6289, 6291,	6294
powers, generally	5980 to	5993
property—		
generally		5985
reorganization, effect of		6313
property owners and residents, powers re		5991
regulations	5962,	5963
reorganizations—		
authorization		6305
effect of	6312 to	6314
election	6306 to	6310
entry of election results	6310,	6311
taxation and finances—		
assessment of taxes	6200 to	6206
collection of taxes	6245 to	6252
dissolution of district	6342 to	6344
generally	6165 to	6171
levy of taxes	6230 to	6232
redemption of property	6265 to	6270
special sewer construction tax	6185 to	6189

SANITARY DISTRICTS (ACT OF 1923).

annexations by elections—		
authorization		6830
election	6847 to 6850, 6854,	6855
hearing	6844 to	6847
order of annexation	6852,	6853
petition	6840 to 6845, 6849 to	6851
annexations without elections—		
authorization		6870
hearing	6876 to	6880
order of annexation		6881
petitions	6871 to 6877,	6880
annexed territory, sewers for	6660,	6661
bonds—		
exchange	6680 to	6683
generally	6640 to	6653
purchase of own bonds		6800
reconstruction bonds		6670
refunding bonds	6690 to	6694.3
sewers for annexed territory, issuance for	6660,	6661
cities, sewer maintenance in		6530
construction of sewers	6512 to 6515, 6518, 6540 to	6543
contracts	6515, 6530, 6540 to	6543
definitions	6400 to	6406
dissolution—		
authorization		6900
election		6900
ex officio boards, powers and duties of	6903 to 6904.5, 6905 to	6907
indebtedness, outstanding	6902 to	6904
property, vesting of	6901, 6901.5, 6904.6,	6907.5
elections—		
annexations	6625 to	6628
bond elections	6610 to	6613
generally	6560 to	6568
officers, elections of	6580 to	6593

SANITARY DISTRICTS (ACT OF 1923)—Continued.

Section

formation—		
boundaries	6421, 6441, 6442,	6446
election on formation and for officers	6446 to	6466
hearing	6440 to	6448
order of formation		6465
petition	6420 to	6425
funds—		
bond fund	6790,	6791
generally	6790 to	6799
purchase of own bonds		6800
running expense fund	6792, 6793,	6798
sewer construction fund	6796,	6797
garbage and refuse, powers and duties re	6406, 6512, 6514, 6641,	6697
general provisions and definitions	6400 to	6406
improvement act of 1911, applicability of	6541 to	6543
improvement bond act of 1915, applicability of	6541 to	6543
joint operations with other governmental agencies		6512
officers and board—		
assessor	6464, 6480, 6494 to 6496, 6715 to 6718,	6747
elections for members of board		6485
generally	6480 to	6496
treasurer	6790 to	6799
property—		
generally	6513,	6514
reorganization, effect of		6818
property owners and residents, powers re		6520
reorganizations—		
authorization		6810
effect	6816 to	6819
hearing	6813 to	6816
order of reorganization	6815,	6816
petition	6811 to	6815
regulations	6490,	6491
sewer construction—		
costs, assessment of		6540
orders of board for		6540
sewers for annexed territory	6660,	6661
street opening act of 1903, applicability of		6541
taxation and finance—		
assessment by district assessor	6715 to	6718
collection	6760 to	6762
dissolution of district	6902 to	6904.5
equalization of assessments by district assessor	6730 to	6734
generally	6695 to	6701
levies	6745 to	6747
use of county assessor's roll	6780 to	6787

SANITARY ENGINEERING, BUREAU OF.

chief: appointment and qualifications	401
organization, powers, duties, etc.	400, 401

SANITATION. See DISINFECTION, CLEANING, ETC.

SANITATION DISTRICTS, COUNTY.

annexations	4830 to	4832
board of directors—		
city withdrawals, effect of	4845.11	
compensation		4733
organization, etc.	4730,	4731
powers, generally	4739 to	4763
unincorporated territory withdrawals, effect of	4845.26	
bonds—		
additional issues		4795
generally	4780 to 4792, 4794 to 4797,	4799
revenue, to be paid from		4796
taxation, not subject to, by state		4796
charges: costs of engineer's reports		4818
city withdrawals—		
conditions	4845.05	
election	4845.06 to	4845.09
resolution of withdrawal	4845.09, 4845.1	
definitions and general provisions	4700 to	4703

SANITATION DISTRICTS, COUNTY—Continued.

Section

dissolution—		
authorization		4850
election	4851,	4852
funds, transfer of		4856
indebtedness, outstanding		4855
property, vesting of		4854
resolution of dissolution	4852,	4853
formation—		
election	4715 to	4717
hearing	4712 to	4717
objections		4715
order of formation	4717,	4718
resolution of intention, composition, etc.	4710,	4711
funds—		
city withdrawals, effect of		4845.12
construction fund		4793
operating fund		4817
transfer following dissolution		4856
unincorporated territory withdrawals, effect of		4845.27
highways, rights of way in or across		4759
joint operations, generally	4840 to	4842
joint operations with other governmental agencies		4742
lateral and connecting lines of sewerage system	4797,	4798
main trunk lines of sewerage system	4797,	4798
officers and employees—		
auditor		4732
engineers	4748 to	4754
generally	4739,	4749
powers, generally	4739 to	4763
property—		
city withdrawals, effect of		4845.12
generally		4740
unincorporated territory withdrawals, effect of		4845.27
taxation and finances—		
city withdrawals, effect of		4845.11
generally	4810 to 4818,	4855
unincorporated territory withdrawals, effect of		4845.27
unincorporated territory withdrawals—		
conditions		4845.20
election	4845.21 to	4845.24
work, performance of—		
generally		4758
methods		4755

SCHOOLS.

admission, certificates necessary for, furnishing of, by local registrars of vital statistics	10629
health administration contracts	485
health inspection: local health districts and educational authorities	936
spotting, sponging and pressing. See SPOTTING, SPONGING AND PRESSING ESTABLISHMENTS.	

SEALS, OFFICIAL.

cemetery districts, public	8960
fire companies in unincorporated towns	14836, 14837
fire protection districts (in one or more counties)	14682
fire protection districts in unincorporated areas	14076
health districts, local	936
sanitary districts (act of 1891)	5590
sanitary districts (act of 1919)	5980
sanitary districts (act of 1923)	6510

SECRETARY OF STATE.

cemetery association articles of reincorporation	8803
fire protection districts, county: city inclusion ordinances	14401
health districts, local—	
annexation certificates	962
dissolution certificates	969
formation certificates	2341

SECRETARY OF STATE—Continued.

Section

mosquito abatement districts—	
annexation orders	2341
consolidation orders	2367
dissolution certificates	2392
organization orders	2224
pest abatement districts: formation orders	2832

SERUMS. See BIOLOGICS.

SEWER DISTRICTS (ACT OF 1899).

board of supervisors, powers and duties of	4662, 4664 to	4666
charges against for connection with city sewerage systems		4666
connection with adjacent city sewerage systems	4663 to	4666
formation	4660,	4661
funds		4664
property holders, powers of supervisors re		4662
taxation		4665

SEWER DISTRICTS, MUNICIPAL (ACT OF 1909) : effect of repeal..... 5475

SEWER DISTRICTS, MUNICIPAL (ACT OF 1911).

bonds	4615 to	4623
definitions and general provisions	4600 to	4602
formation—		
authorization, composition, etc.	4605 to	4607
boundaries	4611,	4612
hearing		4611
resolution of governing body of city	4608 to	4610
funds		4623
taxation and finances	4638,	4639
work, performance of—		
city performance	4634 to	4636
contracts for	4627 to 4633, 4635,	4636

SEWER MAINTENANCE DISTRICTS.

annexations—		
authorization		4895
hearing	4897,	4900
order of annexation		4900
resolution of supervisors		4896
territory comprising portion of another district	4901 to	4903
board of supervisors, powers and duties of	4885 to	4887
definitions and general provisions	4860 to	4864
dissolution—		
authorization		4915
cities, inclusion in	4921 to	4926
funds	4921 to	4924
hearing	4917,	4919
inclusion in cities	4921 to	4926
notice of hearing		4918
petition		4916
property, vesting of		4920
exclusions of territory—		
authorization		4905
hearing	4909,	4910
notice of hearing		4908
petition		4906
property, vesting of		4911
resolution establishing new boundaries	4905 to	4911
formation—		
authorization, composition, etc.	4870,	4871
boundaries		4878
hearing	4872 to	4878
funds—		
annexations, effect of	4902,	4903
dissolution, effect of	4921 to	4924
maintenance fund		4892
property—		
dissolution, effect of		4920
exclusions of territory, vesting upon		4911
generally		4886
surveyor		4887
taxation and finance	4890 to	4892

SEWER REVENUE BONDS.

	Section
additional issuances	4993
bonds, general provisions re	4985 to 4994, 5002
boundaries of sewer work areas	4974
contracts—	
construction	5010 to 5022
emergency relief and construction act of 1932, contracts to meet require- ments of	5008
generally	5004
damage to public ways or public works	5007
definitions and general provisions	4950 to 4960
employees of districts issuing	5005, 5026
finances and funds—	
general fund	5025 to 5027
generally	5025 to 5034
moneys from collection of rates	5028, 5029
sinking funds	5029 to 5031
treasurer	5033, 5034
grievances, remedy for	4994
leases of districts with other governmental agencies re use of works	5060 to 5063
ordinances of districts issuing—	
leases re use of works	5060, 5061, 5063
rates, fixing of	5047, 5048
powers and duties of districts issuing	5000 to 5022
proposed work and bond issuance, district action re—	
resolution of intention: adoption, contents, publication	4965 to 4973
written protests	4978
rates and collection: use of works constructed by districts	5040 to 5055
works—	
construction exceeding \$500	5010 to 5022
costs	5019, 5027
emergency relief and construction act of 1932, compliance with	5011
operation, generally	5008
rates and collection	5040 to 5055

SEWERS. See also SANITARY DISTRICTS (ACT OF 1891); SANITARY DISTRICTS (ACT OF 1919); SANITARY DISTRICTS (ACT OF 1923); SEWER DISTRICTS (ACT OF 1899); SEWER DISTRICTS, MUNICIPAL; SEWER MAINTENANCE DISTRICTS; SEWER REVENUE BONDS.

disposal of sewage—	
definitions	5410, 5411
generally	5410 to 5445
penalties	5460 to 5464
permits, generally	5421 to 5442
prohibited acts	5412 to 5420
rights of way: abandonment	5400

SHERIFFS. See also PEACE OFFICERS; POLICE; POLICE PROTECTION DISTRICTS.

drug administration enforcement—	
fees and compensation	26382, 26383
generally	26326 to 26330
violations, verified complaints re: duties re obtaining and transmittal of samples	26380, 26381
food administration duties—	
fees and compensation	26602, 26603
generally	26546 to 26551, 26600, 26601, 26622

SHORT TITLE 1

SHOWERS: housing act provisions 17530 to 17553, 18654 to 18656

SIGNATURE: what is 18

SINKS: housing act provisions 17580 to 17584

SIGNS. See also ADVERTISING; NOTICES (POSTING, MAILING, ETC.).

cemeteries—	
nonperpetual care cemeteries: sign to be posted in office	8744, 8745
perpetual care cemeteries—	
sign to be posted in office	8743, 8745
signs designating nonperpetual care sections	8740

SIGNS—Continued.	Section
clothes cleaning establishments: "no smoking" signs	13396
dead bodies, yellow paster required for transportation of	7350
exit and stairway signs in hotels, lodging houses, etc.	19700, 19702
explosives	12182, 12211, 12303
fire escapes	16527
licenses, display of. See LICENSES, PERMITS, ETC.	
lifeboats	24003
quarantine placard	2561
swimming pool markers	24052
toilets and water-closets	17481, 17482, 17503, 18651
SKYLIGHTS AND WINDOWS: housing act provisions	16200 to 16305
SLEEPING: prohibited room use for	15901, 17702, 17703, 18462, 18463
SLEEPING ROOMS. See also HOUSING ACT, STATE.	
air space	17705, 17706, 18463, 19300
apartment houses and hotels	17804
auto camps	18402, 18403
SPOTTING, SPONGING AND PRESSING ESTABLISHMENTS. See also CLOTHES CLEANING ESTABLISHMENTS.	
administration by state fire marshal	13550 to 13554
definitions and general provisions	13501 to 13520
operation and management	13675 to 13689
reports to state fire marshal	13687, 13688
vehicle instrumentality registration	13609, 13610, 13653, 13655
violations of provisions	13725 to 13729
STANDPIPES: housing act provisions	16740 to 16744
STATE ———. See subject (e. g. FIRE MARSHAL, STATE).	
STATE AID.	
convalescent colonies, county or city	3325, 3326, 3340 to 3342
physically handicapped children, services to	256, 259
tuberculosis hospitals	3300
tuberculosis preventoria	3100
STATUTES. See also CONSTRUCTION OF CODE PROVISIONS; REPEALS.	
district investigation act of 1933: applicability to fire protection districts	14003, 14405, 14603
improvement act of 1911—	
applicability to sanitary districts (act of 1919)	6016 to 6018
applicability to sanitary districts (act of 1923)	6541 to 6543
improvement bond act of 1915—	
applicability to sanitary districts (act of 1919)	6016 to 6018
applicability to sanitary districts (act of 1923)	6541 to 6543
Stats. 1885, Ch. 153: applicability to sanitary districts (act of 1891)	5612 to 5614
Stats. 1919, Ch. 303: applicability to municipal sewer districts (act of 1911)	4636.7
street opening act of 1903: applicability to sanitary districts (act of 1923)	6541
STREET OPENING ACT OF 1903: applicability to sanitary districts (act of 1923)	6541
STUDDING: housing act provisions	17256, 17260
SUPPORT.	
clinics, charitable	1204
indigents, provisions for in local health administration contracts	486
SURVEYORS, COUNTY: sewer maintenance districts, appointment for duties re	4887
SWIMMING POOLS, SWIMMING RESORTS, ETC.	
life saving devices—	
lifeboats	24001 to 24003
resort, definition of	24000

SWIMMING POOLS, SWIMMING RESORTS, ETC.—Continued.

Section

markers, swimming pool—		
regulations	24051 to	24053
resorts, definition of		24050
violations of regulations		24054
power boat speed	24150,	24151
sanitation, swimming pool—		
abatement as public nuisance	24106,	24107
public health, state department of, power and duties of	24101 to	24105
public swimming pools, definition of		24100
violations of regulations	24108,	24109

T

TANKS AND BOILERS.

boiler rooms, housing act provisions re	16950 to	16959
definitions, general provisions, and scope	24200 to	24206
industrial accident commission, powers and duties re operation, inspection, fees, etc.	24210 to 24214, 24220 to 24232, 24240 to	24244
inspections—		
certified inspectors, regulations re	24210 to	24214
industrial accident commission inspectors		24210
mismanagement of steam boilers	24300,	24301
operation, generally	24220 to 24232,	24250

TAX COLLECTORS, COUNTY. See also TAXATION.

sanitary districts (act of 1923) : duties re	6761 to	6767
weeds: duties re assessments for abatement expenses	14916 to	14919

TAXATION. See also TAX COLLECTORS, COUNTY.

city—		
dog license tax		1911
dog license tax, special	1912 to	1914
dog tax		1911
plumbing regulation, etc.		808
county—		
dog license tax		1911
dog license tax, special	1912 to	1914
dog tax		1911
physically handicapped children, special tax for		270
sanitary tax: special tax on property outside cities		850
weeds: levies and collections for costs of abatement	14912 to	14919
district. See also names of particular districts.		
cemetery districts, public	8980 to	8985
fire protection districts, county	14480 to	14483
fire protection districts in one or more counties	14701 to 14709, 14742,	14766
fire protection districts in unincorporated areas	14150 to	14157
fire protection districts, metropolitan	14355 to	14361
mosquito abatement districts	2290, 2300 to	2309
pest abatement districts	2870 to	2872
police protection districts (unincorporated territory)		20332
police protection districts (unincorporated towns)	20075, 20101 to	20113
sanitary districts (act of 1891). See SANITARY DISTRICTS (ACT OF 1891).		
sanitary districts (act of 1919). See SANITARY DISTRICTS (ACT OF 1919).		
sanitary districts (act of 1923). See SANITARY DISTRICTS (ACT OF 1923).		
sewer districts (act of 1899)		4665
sewer districts, municipal (act of 1911)	4638,	4639
sewer maintenance districts	4890 to	4892
generally—		
exemptions—		
bonds: county sanitation districts		4796
cemeteries, private: improvement assessments		8561
cemetery properties passing to individual: inheritance taxes		8604
fire companies in unincorporated towns: officers and members	14855 to	14860
reinterment of remains removed from cemeteries in cities, levies for, prohibited		7975

TELEGRAMS, TELEPHONE MESSAGES, ETC.

health officers, telegraphic reports by	2569,	2574
narcotic prescriptions		11172

TOILETS. See also **AUTO CAMPS; CESSPOOLS; HOUSING ACT, STATE; PLUMBERS, PLUMBING, ETC.; PRIVIES; SEWERS.**

prohibited maintenance and construction	5414,	5420
ventilation	16229,	16234
water supplies, draining into	4451,	4452

TOWELS, COMMON.

apartment houses and hotels		17814
sanitary provisions—		
“common use” defined		3801
places subject to		3800
sterilization, regulations re		3801
violations		3803

TOWNS, UNINCORPORATED. See also **FIRE COMPANIES IN UNINCORPORATED TOWNS; MUNICIPAL CORPORATIONS; POLICE PROTECTION DISTRICTS (UNINCORPORATED TOWNS).**

county health administration for	491 to	493
----------------------------------	--------	-----

TRAILERS. See **AUTO CAMPS, TRAILER CAMPS, TRAILER COACHES.****TRANSPORTATION.** See also **DEAD BODIES; NARCOTICS.**

biologics		1603
explosives	12300 to	12306
fireworks		12510
ice intended for public use		4002
serums		1603
unsanitary packing materials: goods packed with		3753
vaccines		1603

TREASURERS, CITY: narcotic violations: forfeited bail, fines, etc. 11681**TREASURERS, COUNTY.**

cemetery districts, public, duties re	8982 to	8984
fire protection districts in one or more counties, duties re		14709
fire protection districts in unincorporated areas, duties re	14157 to	14159
mosquito abatement district duties	2309 to	2312
narcotic violations: forfeited bail, fines, etc.		11681
police protection districts (unincorporated areas), duties re	20080, 20012,	20013
sanitary districts (act of 1891), liability re		5828

TREASURER, STATE.

fire hazards on state property, costs of abatement of	13104.5
narcotic violations: forfeited bail, fines, etc.: receipt and deposit	11681

TRIAL, PLACE OF. See **VENUE.****TRUSTS:** cemeteries: perpetual care 8737**TUBERCULOSIS.**

bureau, state—		
chief: convalescent colony board membership		24380
organization, powers, duties, etc.	410 to	414
state aid, approvals of hospitals for		3300
convalescent colonies, county or city—		
report, superintendent's, to state bureau of tuberculosis		3326
state aid, eligibility for	3325, 3326, 3340 to	3342
convalescent colony, state. See CONVALESCENT COLONY, STATE.		
hospitals and wards, county and city—		
establishment and operation by groups of counties	3302 to	3309
exchange of patients		3301
pay patients		3300
reports to bureau of tuberculosis by medical superintendent		3301
state aid		3300

TUBERCULOSIS—Continued.

Section

preventoria—	
maintenance by city, county, or group of counties	3100
state aid	3100
pulmonary tuberculosis as infectious and contagious disease	3099
tuberculous persons, registration of	412

U

UNINCORPORATED TOWNS. See also FIRE COMPANIES IN UNINCORPORATED TOWNS; MUNICIPAL CORPORATIONS; POLICE PROTECTION DISTRICTS (UNINCORPORATED TOWNS).

county health administration	491 to	493
------------------------------	--------	-----

V

VACCINATION: free, to persons exposed on railways	1702
---	------

VACCINES. See BIOLOGICS.

VALIDATIONS.

fire protection districts in unincorporated areas—	
organization	14006, 14007
reorganization	14314
health districts, local, formation of	916
sanitary districts (act of 1891), formation of	5545
sanitation districts, county: bonds	4787, 4799
sewer revenue bonds: proceedings on bonds	4994

VENTILATION. See HOUSING ACT, STATE.

VENUE.

cemetery lands, removal of dedication of	7906,	8580
dead bodies, disinterment and removal of: application for permission of		
court where absence of consent		7526
fire protection district ordinance violations		14689
fire protection districts in unincorporated areas, prosecutions re		14009
interment, petition for order directing performance of, by person having		
duty or by coroner		7105
tuberculosis hospitals maintained by group of counties: actions for money		
due under agreements re		3305
vital statistics, proceedings to establish	10600,	10600.5

VERIFICATION. See also AFFIDAVITS.

birth certificates		10182
clinics and dispensaries: applications for permits		1220
cemeteries, nonperpetual care: signs		8745
cemeteries, perpetual care: signs and reports		8745
cemeteries, private—		
petitions re care, alteration, replatting, etc., of old cemeteries		8704
report of trustees re perpetual care fund		8734
convalescent colonies, county or city: annual report of superintendent to		
state bureau of tuberculosis		3326
drug violation complaints		26380
fire protection districts (in one or more counties): inclusions of territory,		
petitions for		14724
fire protection districts in unincorporated areas—		
inclusions of contiguous territory, petitions for		14230
reorganization, petitions for		14302
food violation complaints		26600
housing act enforcement proceedings, complaints in		15291
narcotic nuisance abatement proceedings, complaints in		11782
narcotics, proceedings for forfeiture of vehicles transporting, answers in		11614
sanitary districts (act of 1919)—		
assessment roll	6206,	6232
officers, petition for election of		6057
sanitary districts (act of 1923)—		
annexations by election, petitions for		6843
annexations without elections, petitions for		6874
assessment roll	6717,	6747
formation petitions		6423
officers, nominating petitions for election of		6584
reorganization, petitions for		6812

VERIFICATIONS—Continued.

Section

spotting, sponging and pressing establishments—	
license applications	13603
licenses and registration: loss or destruction	13610
motor vehicles: ownership and operation contracts	13653
tuberculosis hospitals receiving state aid: reports of medical superintendent to bureau of tuberculosis	3301
tuberculosis preventoria receiving state aid: reports to state department of public health	3101
vital statistics—	
corrections, affidavits re	10575
petitions to establish	10601

VESSELS.

explosives, transportation of	12300 to 12304
garbage for deposit in navigable waters, loading with	4401 to 4403
houseboats, mooring within two miles above domestic water supply intake	5445
power boat speed	24150, 24151

VETERINARIANS. See also DRUGS; NARCOTICS.

meat inspectors, local health districts, required to be	941
narcotics, prescribing of	11450, 11451, 11161

VIRUS, ANTI-RABIC

2000

VITAL STATISTICS. See also BIRTH REGISTRATION; DEATH REGISTRATION; MARRIAGE REGISTRATION; VITAL STATISTICS REGISTRAR, STATE.

administration, local—	
compensation of registrars	10650 to 10654
deputy registrars	10109
generally	10100 to 10120
registrars, local, powers and duties of	10105, 10109, 10111, 10112, 10114 to 10120
registrars, local, who to act as	10100 to 10104, 10113
subregistrars, appointment, powers and duties of	10105 to 10108
administration, state—	
bureau of vital statistics, under state department of public health	10025
generally	10025 to 10037
registrar, state: appointment, powers and duties	10026 to 10031, 10034 to 10037, 10052
violations of regulations	10032 to 10035
certified copies of records—	
evidence, prima facie, of all facts stated therein	10551
furnishing of, by state or local registrar	10550
compensation of local registrars	10650 to 10654
corrections	10575 to 10579
definitions	7000 to 7024
establishing records, proceedings for	10600 to 10607
fees of state and local registrars	10625 to 10630
general provisions	10000 to 10011
health districts, local, powers of	936
lost or destroyed records, proceedings for reestablishing	10600 to 10607
penalties re violations of provisions by registrars and other persons	
registration districts	10674 to 10679
rules and regulations	10050 to 10052
United States census bureau, furnishing of transcripts of birth and death to	10000, 10005
United States veterans bureau, furnishing of transcripts of births and deaths to	10630
unrecorded births, deaths or marriages, proceedings for establishing records re	10600 to 10607

VITAL STATISTICS REGISTRAR, STATE. See also BIRTH REGISTRATION; DEATH REGISTRATION; MARRIAGE REGISTRATION; VITAL STATISTICS.

appointment, duties and powers	10026 to 10031, 10034 to 10037, 10104
appointments: registrars, local, for certain counties	10104
approvals: subregistrars, local	10105
certifications to county auditors re compensation of local registrars	10650
fees, accounts of	10627
marriage certificates, duties re	10526, 10533, 10534

VOCATIONAL REHABILITATION, CHIEF OF STATE BUREAU OF:	Section
convalescent colony board membership.....	24380

W

WAGES. See COMPENSATION; SALARIES; WAGES, ETC.

WALLS AND PARTITIONS.

apartment houses or hotels.....	17707
auto camps.....	18404
bakeries or places where fat is boiled.....	17255
basements.....	15902
boiler rooms.....	16951
fireproof buildings.....	17281, 17283
fire escapes. See FIRE ESCAPES.	
garages.....	17041
portieres, curtains, movable partitions, etc., prohibited use of, in apartment houses or hotels.....	17707
semifireproof buildings.....	17300, 17303, 17304
shafts.....	16771, 16772, 16820, 16821
sleeping rooms, apartment house or hotel.....	17804 to 17807
studs: apartment houses and hotels.....	17260 to 17263
wooden buildings.....	17322 to 17324

WARRANTIES. See also DRUGS—*guaranties*; FOOD—*guaranties*.

interment, authorization for.....	7110
-----------------------------------	------

WATER AND WATERCOURSES.

bathing in sources of domestic supplies.....	4455
carcasses, offal, etc., putting into or upon borders of rivers, creeks, ponds, reservoirs, or streams.....	4450 to 4452
departmental powers re pollution of domestic supplies.....	203
drinking water cup receptacles.....	3700 to 3704
health districts, local, inspections by.....	936
houseboats, etc.: anchoring within two miles of source.....	5445
laboratories, county or city, examinations by.....	1000
pollution—	
domestic supplies, departmental powers re.....	203
domestic supplies, generally.....	4450 to 4457, 5412, 5414 to 5416, 5445
navigable waters, generally.....	4400 to 4404, 5412, 5414 to 5416, 5441 to 5445
salt waters.....	5418
violations.....	5443, 5444, 5460 to 5464
receptacles, drinking water, sanitary provisions re.....	3702
sewage disposal.....	5410 to 5418, 5433, 5434, 5441 to 5464
trailer camp supplies.....	18658
washing clothes in sources of domestic supplies.....	4456

WATER-CLOSETS. See HOUSING ACT, STATE; PRIVIES; TOILETS.

WEEDS, HAZARDOUS.

abatement, generally—	
definitions.....	14875
expenses—	
collection.....	14915 to 14919
determination and notice of hearing.....	14905
hearing on report.....	14910 to 14912
property owner, removal by.....	14902
hearing on notice to destroy.....	14898, 14899
notice to destroy—	
contents.....	14891, 14892
hearing on notice.....	14898, 14899
persons authorized to give.....	14890
posting and mailing.....	14893 to 14897
proceedings after hearing on notice.....	14900, 14901, 14902
nuisance, public, declaration of weeds as.....	14876
proceedings after hearing on notice to destroy.....	14900, 14901, 14902
resolution of board of supervisors declaring weeds a nuisance.....	14880 to 14884
seasonal and recurrent weeds, abatement of—	
costs.....	14900.6
declaration of board of supervisors.....	14900.5
notice, post card, to property owners.....	14900.6
yearly, without further hearing.....	14900.5

Section
WET-WASHING: hazardous buildings, processes to be used in----- 13403

WINDOWS AND SKYLIGHTS.

dormitories-----	17156
fireproof buildings-----	17284
garages-----	17023, 17045
generally: housing act provisions-----	16200 to 16305
semifireproof buildings-----	17302
shafts-----	16774 to 16776
vent shafts-----	16822

WIPING RAGS.

regulation of business—	
machinery used for washing, etc.-----	3954
ordinances, county or city-----	3950
packages offered for sale, marking of-----	3953
permits to operate-----	3951, 3952
violations-----	3960
sanitary provisions—	
furnishing for use, offering for sale, etc., previous sterilization necessary	
before-----	3901
inspections-----	3902
sterilization-----	3901
“wiping rags” defined-----	3900

WRITING: what is ----- 8

Y

YARDS AND COURTS. See also HOUSING ACT, STATE.

definitions-----	15010, 15034
maintenance-----	17802, 17803
requirements re depth, width, drainage, etc.-----	15650 to 15750

1178 8333 24

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